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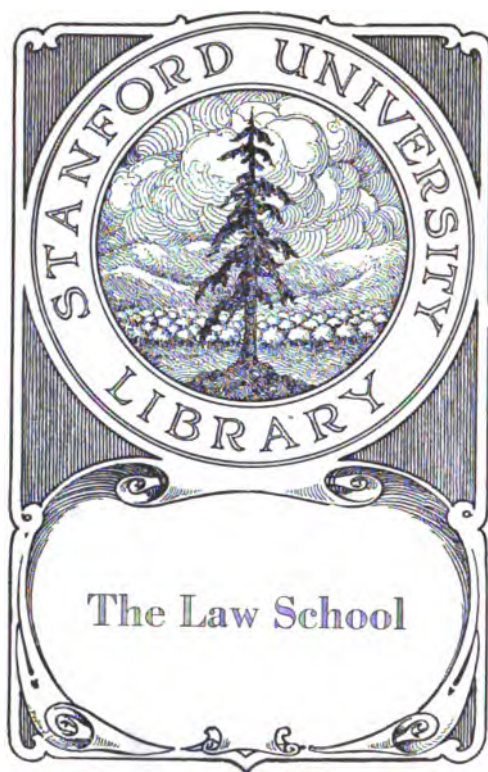
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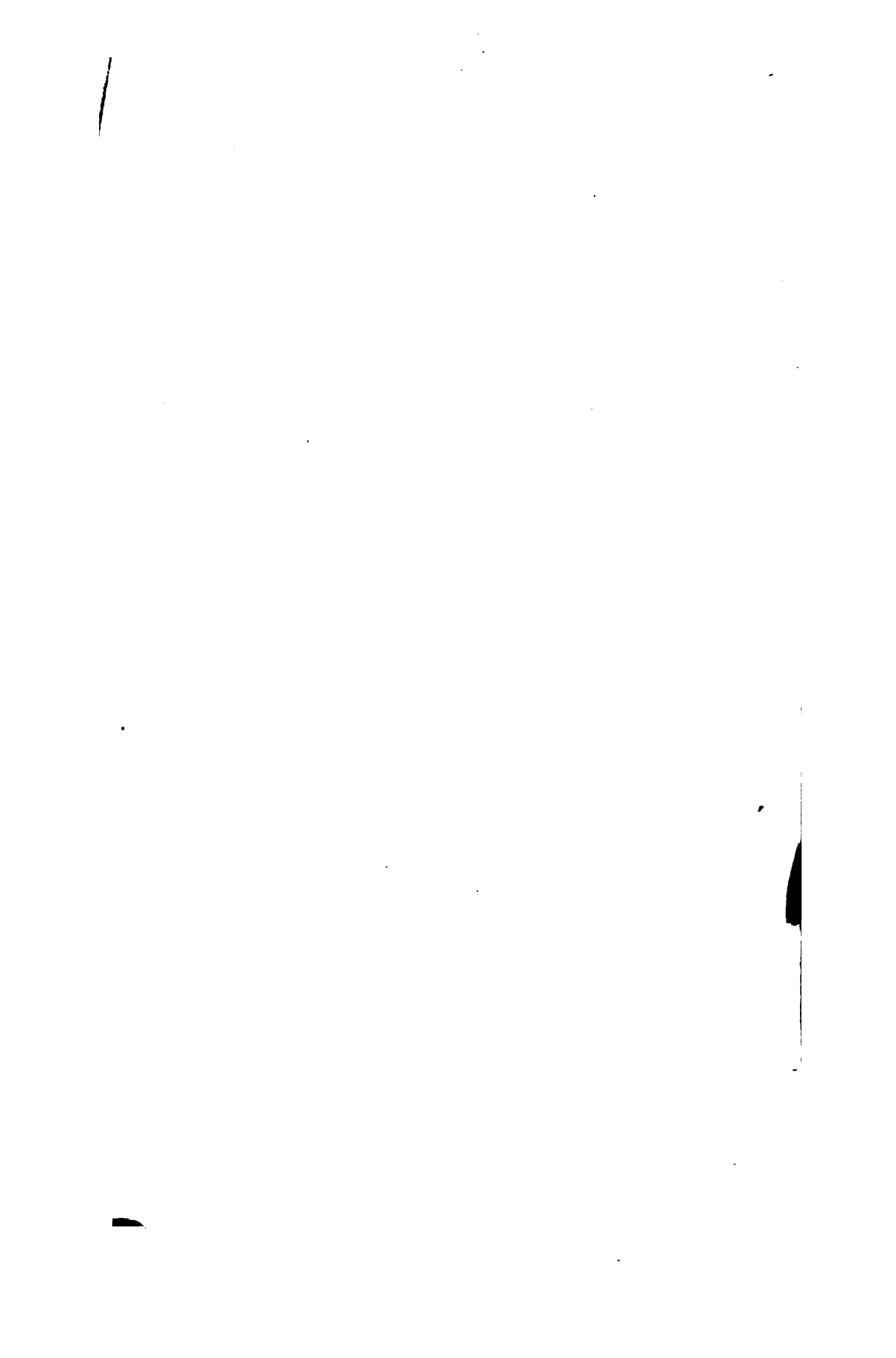
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Kentucky by Callahan



ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT ON
MONDAY, THE THIRTY-FIRST DAY OF DECEM-
BER, EIGHTEEN HUNDRED AND
SEVENTY-SEVEN.

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VARSEL GROMATZ

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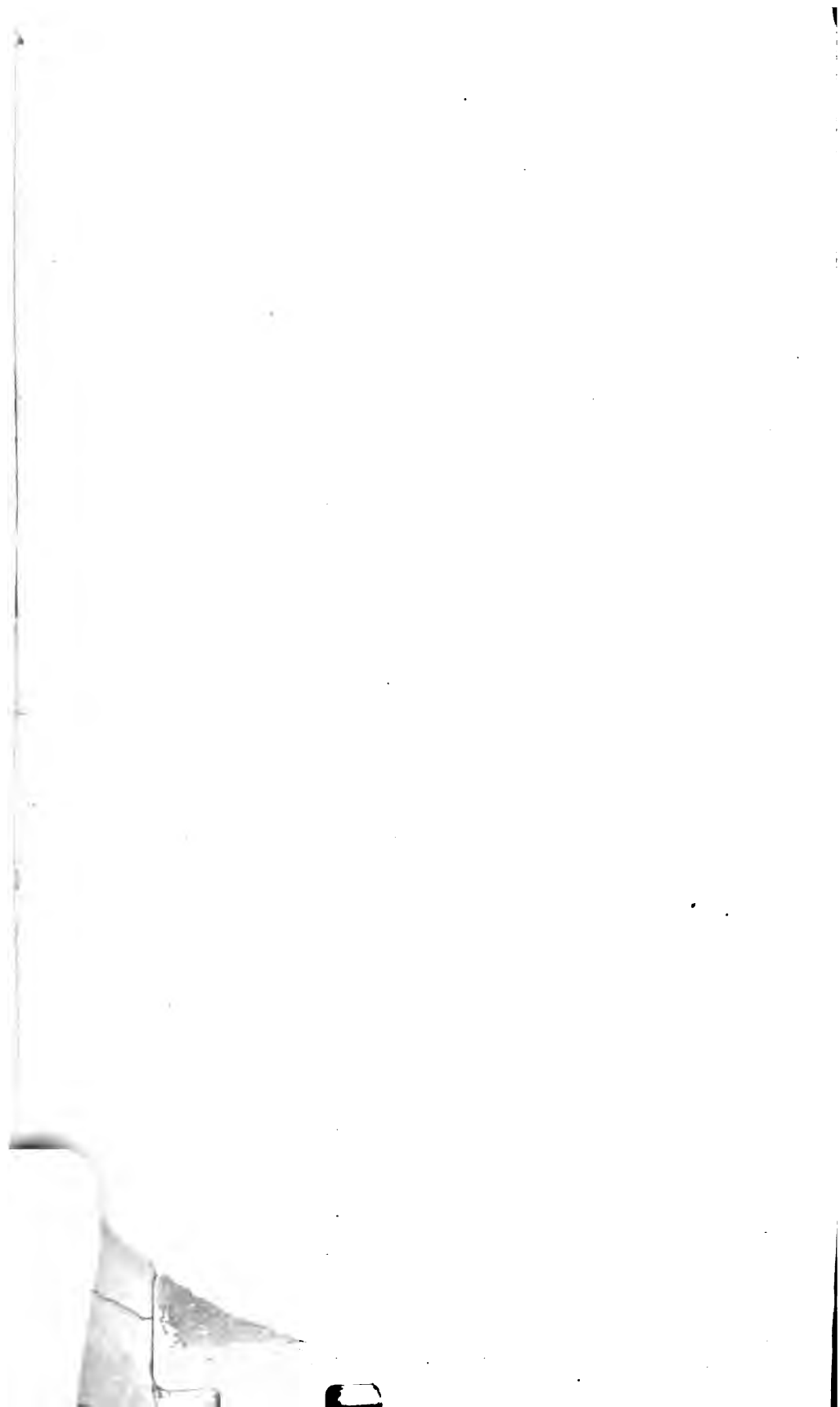
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PUBLIC ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT ON MONDAY, THE THIRTY-FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-SEVEN.

JAMES B. McCREARY, *Governor.*
J. C. UNDERWOOD, *Lieut. Gov'r and Speaker of Senate.*
ED. W. TURNER, *Speaker House of Representatives.*
J. STODDARD JOHNSTON, *Secretary of State.*
THOS. E. MOSS, *Attorney General.*

CHAPTER 8.

AN ACT to amend the charter of the Falls City Tobacco Bank, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the next election of directors of said bank, only seven directors shall be elected, and that thereafter its

Changes number of directors.

LAWS OF KENTUCKY.

board of directors shall consist of only seven instead of thirteen members.

§ 2. This act shall take effect immediately after its passage.

ED. W. TURNER,

Speaker of the House of Representatives.

JOHN C. UNDERWOOD,

Speaker of the Senate.

Approved January 11, 1878.

JAMES B. MCCREARY.

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State.*

CHAPTER 15.

AN ACT to prohibit the master commissioners of the various courts of this Commonwealth from acting as such commissioner in all cases in which they are, or shall become, interested as attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Prohibits lawyer to be commissioner in any case he is attorney or party, and commissioner from acting as such in case he is interested as party or attorney.

Court to appoint.

Bond.

§ 1. That from and after the passage of this act, it shall be unlawful for any master commissioner of any court of this Commonwealth to act as such commissioner in any case in which he is, or shall become, interested as an attorney or otherwise.

§ 2. That in all cases where the master commissioner of the court is interested as an attorney, and a reference of the case is necessary, the court, by proper order, shall appoint a special commissioner to act in said case.

§ 3. That in all cases of such reference, the court may require said special commissioner to execute bond, as now required of master commissioners by law.

§ 4. This act shall take effect from its passage.

Approved January 12, 1878.

CHAPTER 42.

AN ACT to take the sense of the people of this State as to the propriety of calling a convention to revise the Constitution.

WHEREAS, It is represented to the General Assembly that many of the good citizens of this Commonwealth do verily believe that experience has pointed out the necessity of call-

ing a convention with the view of amending the Constitution of this State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the sheriffs, and other returning officers, at the next general election to be held for Representatives after the passage of this act, to open a poll for, and make a return to the Secretary of State for the time being, of the names of all citizens entitled to vote for Representatives who have voted for calling a convention.

Sheriffs, &c., to open poll and make return to Secretary of State of number of votes for convention.

§ 2. *Be it further enacted*, That any sheriff or other returning officer, failing to perform the duty according to the provisions of the first section of this act, shall be subject to a fine of six hundred dollars, to be recovered by indictment by any grand jury in any court having jurisdiction thereof, and also be subject, upon conviction of such failure, to removal from office.

Fine of \$600, by indictment, and removal from office.

§ 3. *Be it further enacted*, That it shall be the duty of the Secretary of State to have advertised this act in the columns of one weekly newspaper in every county of this State, for two consecutive weeks immediately preceding the election herein, and in one of the daily newspapers of the city of Louisville for thirty days immediately preceding the election: *Provided, however*, There is no weekly newspaper in any one or more counties of this Commonwealth in which said advertisement can be made, it is made his duty to have posted a printed copy of said bill, in handbill form, at the courthouse door of such counties, for at least two consecutive weeks preceding said election.

Secretary of State to advertise in papers and by posters &c.

§ 4. *Be it further enacted*, That the Public Printer shall, upon a separate leaf or sheet, print ten thousand copies of this act, and deliver them to the Secretary of State, who shall send seventy-five copies of the same to the clerk of the county court of each county in the State at the time of forwarding the Acts of the General Assembly; and said clerks shall deliver the same to the sheriffs of their several counties.

Public Printer to print 10,000 copies, 75 to be sent to county clerk, and to be delivered to sheriff.

§ 5. *Be it further enacted*, That it shall be the duty of the clerks or judges conducting the said general election to propound distinctly to each voter the following interrogatory: "Do you vote for calling a convention or not?" and if he answers in the affirmative, his name shall be recorded as having voted for calling a convention.

Question to be asked each voter.

LAWS OF KENTUCKY.

Duty of assessors — how governed.

§ 6. *Be it further enacted*, That it shall be the duty of the assessors of tax to open a column in their assessors' books, and enroll therein the name of each citizen entitled to vote for Representative for the year 1879; and they shall be governed in all cases, in ascertaining who is entitled to vote, by the laws then in force to prevent illegal voting; and this column, written in a fair and legible hand, shall be transmitted, with the assessors' books, to the Auditor, who shall make out a copy thereof, and deposit the same in the office of the Secretary of State for the time being, who shall transmit the same to the next Legislature as a list of those who are entitled to vote for Representatives, in order that the Legislature may have the means to ascertain whether a majority of the citizens of the State, entitled to vote for Representatives, having voted for a convention.

This column to be sent to Auditor.

Copy to be filed in office of Secretary of State, and be transmitted to Legislature.

Oath of assessor.

§ 7. *Be it further enacted*, That it shall be the duty of each assessor of tax, who shall be in office in the year 1879, as soon as he shall be advised of the passage of this act, to go before a justice of the peace and take the following oath: "I do solemnly swear I will, to the best of my skill and judgment, fairly ascertain the number of qualified voters in the district in which I was elected, for the year 1879, and report the same, with my book made as assessor of tax, before the first day of May, 1879."

May examine any person as to right to vote.

§ 8. *Be it further enacted*, That the assessors of tax may, and they are hereby required to, examine, on oath, any person in relation to his right to vote for Representatives, when he has doubts as to his right to vote; and any person who shall knowingly swear falsely before the assessor, and shall thereof be convicted, shall be subjected to all the pains and penalties of the crime of perjury.

Write "sworn."

§ 9. *Be it further enacted*, That the assessor shall write "sworn" opposite the name of each person who may be sworn by him.

Public Printer's duty. 500 copies immediately.

§ 10. *Be it further enacted*, That it shall be the duty of the Public Printer to print five hundred copies of the seventh, eighth, and ninth sections of this act, immediately after its passage, and deliver them to the Secretary of State for the time being, who shall transmit them forthwith to the county clerks, to be delivered by them, as soon as possible, to the assessors of tax for the year 1879.

Approved January 19, 1878.

CHAPTER 49.

AN ACT giving further time until the first Monday in May, 1878, for the sheriff of Adair county to execute his revenue bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sheriff of Adair county shall have until the first Monday in May, 1878, to execute the bond for the collection of revenue and public dues of Adair county for the year 1878.

Time given till first Monday in May.

§ 2. That the county court of said county shall have power to take from said sheriff a bond, with good and sufficient security, for the collection of the revenue and public dues, on or before the first Monday in May, 1878, in such manner as is now prescribed by law.

County court may take, &c.

§ 3. This act shall be in force from its passage.

Approved January 22, 1878.

CHAPTER 75.

AN ACT to regulate proceedings in ordinary cases in the common pleas court of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The clerk of the common pleas court of McCracken county, in docketing ordinary actions in said court, shall place them on the same day, which shall be the first day of each term of said court.

Ordinary actions first day.

§ 2. That witnesses subpoenaed therein shall be summoned to the seventh day of each term.

Witnesses to be summoned for seventh day.

§ 3. On the said first day of a term, the court shall begin the call of said docket, continuing said call during the first week thereof until all the cases have been called, except that, on the third day of the term, the equity appearance docket shall be called as now provided by law.

Call of docket.

§ 4. Upon said call of the docket, the court shall render judgment in each case where no issue of law or fact is tendered, unless time is given to tender such issue until the second call of the docket, as provided in the next section.

Judgment if no issue, unless, &c.

§ 5. When said docket shall have once been called as herein provided, it shall be the duty of the court to call the cases left open, with issues of law or fact therein, and to set such cases

Second call of docket, cases to be set.

on and after the seventh day, as he may deem most advisable.

Court may give time.

On the call, the court may give time for the completion of the pleadings subsequent to the answer, where an issue has been made or tendered.

If jury not demanded at time of setting case, jury waived.

Time of trial of jury cases.

§ 6. In setting cases for trial, as provided in the fifth section, the court shall ascertain whether a jury trial will be demanded; and unless a jury trial be then demanded by one of the parties, and the demand noted of record, the right to a jury trial shall be deemed to be waived; and in setting cases for trial, the court shall so assign them that the jury cases shall be, as far as practicable, set together, to the end that they may be tried consecutively.

Clerk to provide and make two dockets for set cases.

§ 7. By the seventh day of each term, it shall be the duty of the clerk to make a docket of the cases as they have been set by the court; one such docket shall be placed at an accessible place in the court-room for public inspection, and one shall be provided by the clerk for the use of the court.

Call of cases.

§ 8. The cases shall be called for trial in the order set, as herein provided, and may be postponed to another day of the term, or continued as by existing law.

Jury—art. 5, chap. 62, p. 575, Gen. Stat.

§ 9. The jury shall be summoned to appear on the day to which the first jury issue is set.

§ 10. The laws now in force respecting compulsory process to secure the attendance of witnesses are continued.

Civil Code, secs. 348-9, 358.

§ 11. That all laws in conflict with this be, and are hereby, repealed.

§ 12. This act shall take effect from and after its passage.

Approved January 29, 1878.

CHAPTER 94.

AN ACT to amend an act, entitled "An act to regulate the trial and jurisdiction of criminal and penal cases in Warren county," approved March 20, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Repeals act of March 20, 1876.

§ 1. That so much of an act, entitled "An act to regulate the jurisdiction and trial of criminal and penal cases in Warren county," approved March 20, 1876, as authorizes or requires the Warren court of common pleas to have a grand

Jury selected and summoned and empaneled be, and the same is hereby, repealed.

§ 2. Said court of common pleas shall continue, as heretofore provided by law, to try, decide, and dispose of all indictments that may be found by the grand jury of the Warren circuit court, and of prosecutions that may be pending in the circuit court; but every prosecution or indictment pending in said court of common pleas at its adjournment shall be docketed for trial at the next term of the circuit court, and all process and proceedings shall be had accordingly.

To try indictments found by grand jury of circuit court, and those not tried to be docketed for circuit court.

§ 3. This act shall take effect on the first day of June, 1878. June, 1878.

Approved January 29, 1878.

CHAPTER 100.

AN ACT concerning the circuit courts in Marion, Nelson, and Washington counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act approved February 5th, 1873, entitled "An act to change the time of holding courts in the seventh judicial district," as requires a circuit court in and for the county of Marion to commence on the second Monday in June be, and the same is hereby, repealed, and all process, summonses, &c., taken, returnable to the June term, 1878, shall be returnable to the August term, 1878, of the Marion circuit court.

Marion—changes term from 2d Monday in June to 2d Monday in August.

§ 2. That so much of said act as requires the circuit court in and for the county of Nelson to commence on the fourth Monday in June be, and the same is hereby, repealed, and said term of said court shall commence on the fourth Monday in May, instead of the fourth Monday in June, as now required by law, and hold twelve juridical days, if necessary.

Nelson—changes term from 4th Monday in June to 4th Monday in May, and 12 days.

§ 3. That an act approved February 10th, 1869, establishing a chancery term of the circuit court in and for the county of Washington be, and the same is hereby, repealed.

Washington—chancery term repealed.

§ 4. This act shall take effect from and after its passage.

Approved January 30, 1878.

CHAPTER 102.

AN ACT to incorporate the American Legal Aid Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators. § 1. That Patrick Joyes, John G. Simrall, John Roberts, Stephen E. Jones, Junius Caldwell, Bennett H. Young, John H. Ward, and Turner Anderson, M. D., and their associates and their successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the American Legal Aid Society, the object being to provide financial aid to the widows, orphans, heirs, legatees, and assigns of its deceased members; and such society, under said name, shall have power to contract and be contracted with, sue and be sued, to acquire, hold, and transfer property, real and personal, the real property not

Object.

Capital, \$100,000 to exceed the sum of \$100,000 in value.

Place of business. § 2. The principal place of business of said society shall be at Louisville, Ky., where all elections for officers and directors shall be held.

How controlled. Seven members to be board, elected every two years. § 3. The said corporation shall be controlled by a board of directors of not less than seven members, which board shall be elected every two (2) years at an annual meeting of the members of the society, to be held at their office; and by said board of directors there shall be elected a president, vice president, secretary, treasurer, attorney, and medical director, who shall hold their office until their successors are elected and qualified. The corporators herein named shall constitute the

Officers—how elected.

First board of directors.

Vacancy—how filled.

President to preside, but not to vote, except in case of a tie.

President's duties.

Vice to act in absence of President.

board of directors for the term of two (2) years from date of organization, and until their successors are elected and qualified. Should a vacancy occur at any time in the board, it may be filled by any one selected by the remaining members of the board. The president shall preside at all meetings of the board of directors or members, but shall have no vote except in case of a tie, when he shall have the casting vote. He shall sign all certificates of membership, all official papers, and all orders drawn on the treasurer by order of the board of directors, and shall have general supervision of the books, papers, and accounts of the secretary and treasurer. The vice president shall possess the powers and perform the duties of the president during the absence of the president. In the absence of both the president and vice president, the

board shall elect from their number a president *pro tem.*, who shall possess all the powers of the president. The secretary shall keep, or cause to be kept, a record of all meetings of the society and of the officers and directors, and of all the transactions and business of the society. He shall conduct all the correspondence, receive all the money due the society, and give his receipt for the same; and shall pay over to the treasurer, at the close of every week, all money belonging to the society, taking his receipt therefor; shall prepare all certificates of membership, all notices of death, and all communications called for by the rules of the society or ordered by the board of directors. He shall also keep, or cause to be kept, a record of deceased members, and of the amount paid to their representatives; and within thirty days after notice has been served upon the members, he shall make, or cause to be made, a record in the books of the society of the names of all the members who have paid, and of those who have not paid, the assessments made upon them. He shall have annually, or oftener if required by the board, a full report, in writing, of the transactions and condition of the society, and shall perform such other duties incident to his office as may be required by the board of directors. He shall give a bond in such sum, and with good security, as may be required by the board for the properly accounting for and paying over all moneys or other property received by him, and for the faithful performance of his duties. The treasurer shall receive all moneys belonging to the society from the secretary, giving his receipt therefor, and shall deposit the same to the credit of the society in some good bank, to be named by the board, and pay them out only on order of the board of directors. He shall have annually, or oftener if required by the board, a full report, in writing, showing the receipts and expenditures of the society, and of all matters affecting its financial condition. He shall give bond in such sum, and with such surety, as the board may, from time to time, require for the faithful performance of his duties. If the board of directors see proper, one person may fill both office of secretary and treasurer. The medical director or medical examiners shall make personal examination of applicants reported to them by the officers or agents of said society, and shall answer the questions asked by the forms of the society, and shall state, in writing, his opinion of the health of the appli-

President *pro tem.*
Secretary's duties.

Give notice of all deaths, and keep record thereof, and amounts paid.

Make record of all who pay and who fail to pay.

Annual report.

Bond.

Treasurer to receipt for all money, and how to pay out.

Annual reports or oftener.

Bond.

Medical examiner.

Attorney. cant. The attorney shall report upon such legal questions as may be submitted to him by the president, and shall prepare all forms of bond to be given to the society, and do such work as he may be employed to do. The board shall have the power to contract with some suitable person to act as general agent, who may, if deemed best, act also as secretary and treasurer; and it shall be the duty of such general agent to faithfully prosecute the work of obtaining members of the society; and he shall give such bond as may be required by the board for the faithful performance of his duties and the properly accounting for and paying over such money as may come to him. The board of directors shall have general charge and supervision of the affairs of the society, and for this purpose they may enact by-laws, not repugnant to the provisions of this charter nor inconsistent with the laws of this Commonwealth. A majority of the board shall constitute a quorum for the transaction of business.

General super- vision and by- laws.

Qualifications for membership. § 4. The qualification for membership in said society shall be, that the party is either a lawyer or physician, or in some way connected with the administration of the law, or any one who may be recommended by some person having the qualification prescribed in this section; and further, that all applicants are in good health, and between the ages of twenty-one and sixty-five years.

Forms of ap- plication for membership. § 5. Applications for membership shall be made upon blanks furnished by the society, and the party shall furnish at his own cost a certificate from the medical director, or a physician appointed by him; and the application must be accompanied by a fee of ten dollars. The board may determine by by-laws how applicants may be received or rejected. Should an application be rejected, the fee of ten dollars shall be returned by the treasurer; but if accepted, a certificate shall be furnished the applicant, signed by the president and secretary.

Fee, \$10.

Beneficiary. § 6. The applicant may, at the time of his application, designate who shall be the beneficiary; and if it be for any other person than the applicant, the said benefit shall not be liable for any debt of the applicant.

Divisions of the society 5,000 each. § 7. This society shall consist of divisions of five thousand each; but no new division shall be formed until the preceding one has been filled; and all books, papers, and accounts of each division shall be kept separately. One may hold one

membership in each division, but not more than one in any division. Each division shall consist of five classes, according to age: those from 21 to 30 years shall constitute the first class; those from 30 to 40 years, the second class; those from 40 to 50, the third class; those from 50 to 60, the fourth class; and those from 60 to 65 years, the fifth class; and whenever a member shall reach an age higher than the class to which he belongs, he shall be transferred to such higher class; but, upon attaining the age of sixty-five years, he shall thereafter remain in the fifth class.

A member may belong to all of the divisions.

Classes.

Transfer from one to another class.

§ 8. Upon the death of any member of the society, the said society will pay, within sixty days, to the beneficiary or proper representative of the deceased member, a sum equal to seventy cents for every member in good standing of the first class; seventy-five cents for every such member of the second class; ninety-five cents for every such member of the third class; one dollar and sixty cents for every such member of the fourth class, and two dollars and eighty cents for every such member of the fifth class.

When to be paid, and how much.

§ 9. Each member shall pay an annual due of two dollars at each anniversary of his membership.

Dues.

§ 10. Upon the death of any member of the society, each member of the division to which deceased belonged shall be assessed, and pay to the secretary of the society, a sum according to the class of which he is a member at the time, as follows: members of the first class, ninety cents; members of the second class, ninety-five cents; members of the third class, one dollar and fifteen cents; members of the fourth class, one dollar and eighty cents; members of the fifth class, three dollars.

Assessments & amounts.

§ 11. Any member failing to pay his annual due or assessment within thirty days after notice has been served upon him or sent to him, shall forfeit his membership and all benefits arising therefrom; but any member, having so forfeited his membership, may make application, in writing, within thirty days after he has been dropped from the list of members, and may, upon payment of all arrearages, be reinstated to membership by a majority of the board of directors.

Failing to pay, shall forfeit all benefits, &c.

§ 12. A permanent fund may be raised from so much of the admission fees, annual dues, and assessments, not used in

Permanent fund.

paying benefits and expenses—the said permanent fund being for the purpose of insuring stability, and that benefits may be paid before assessments are collected. The permanent fund of each division shall be kept separately; and should said permanent fund at any time reach an amount which the directors may deem sufficiently large, they may have the power to suspend assessments so long as it may be deemed safe to do so.

Assessments
may be sus-
pended.

§ 13. The board of directors may change the amount to be paid as membership fee, annual dues, or assessments, providing it be done before the organization of such division be attempted.

Fees and dues
may be changed.

§ 14. The annual meeting of the members shall be held on the second Monday of January in each year.

Annual meeting.

§ 15. The board of directors may meet as often as is deemed best, and the president shall call a meeting of the board whenever requested to do so by a majority of the members thereof.

Meetings of di-
rectors.

§ 16. Each member shall be entitled to a vote in all meetings of members, either in person or by proxy. Proxies shall be filed in the office of the secretary not less than ten days before the meeting is held at which they are to be used. The secretary shall be notified of the annulling of any proxy, and unless this is done, the first proxy alone shall represent such a member.

Votes.

Proxies.

§ 17. Upon the death of any member of the society, the beneficiary or proper claimant shall furnish to the secretary satisfactory proof of death, as may be prescribed by by-laws by the board of directors.

Proof of death.

§ 18. Upon the death of a member of the society, the secretary shall send, either by hand or mail, to each member of the division to which deceased belonged, a notice giving the name and residence of such deceased member, and the assessment due from each member to whom such notice is sent; or the secretary may employ suitable persons at remote points to give such notices and make such collections, upon such terms as the board may prescribe for its local agents. The proof of mailing a notice shall be taken as *prima facie* evidence of service.

Form of notice
of death, &c.

Service of notice.

§ 19. The board of directors may agree upon such form of certificate of membership, and such design for seal, as they

Certificate of
membership.

may deem best, and shall prescribe the form of proxy to be used. The directors, except president, medical director, and attorney, shall receive no compensation for their services, and shall be held liable only for gross negligence.

Compensation of officers and liability.

§ 20. This society being of a benevolent character, shall be free from all license fees and taxation, except as to real estate and personal property.

No license, &c.

§ 21. The private property of members shall not be liable for debts of said society, nor for the debts of any of its officers.

Property of members not liable for debts of society.

§ 22. The bonds required by this charter shall be recorded in the bond and power of attorney book in the Jefferson county court clerk's office, and certified copies thereof shall be evidence in any court of this State.

Bonds to be recorded.

Evidence.

§ 23. This act shall take effect from and after its passage.

Approved January 30, 1878.

CHAPTER 105.

AN ACT to repeal section 11, chapter 443, entitled "An act to amend chapter 92, title 'Revenue and Taxation,' General Statutes," approved February 23d, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 11, chapter 443, of an act, entitled "An act to amend chapter 92, title 'Revenue and Taxation,' General Statutes," approved February 23d, 1874, be, and the same is hereby, repealed.

Assessors may be re-elected — Gen. Stat., page 980.

§ 2. This act to take effect from and after its passage.

Approved January 30, 1878.

CHAPTER 107.

AN ACT to authorize the Governor to appoint a receiver of lands west of the Tennessee river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Governor of this Commonwealth be, and he is hereby, authorized and directed to appoint a receiver for

See Gen. Stat., pp. 508, 509, and 938, B. & F.'s.

lands west of the Tennessee river, and to fill vacancies in said office whenever the same may occur.

§ 2. This act shall be in force from and after its passage.

Approved January 31, 1878.

CHAPTER 108.

AN ACT to amend section 1, article 5, chapter 41, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Gen. Stat.,
p. 468, B. & F.'s.

§ 1. That section 1, of article 5, of chapter 41, of the General Statutes, be so amended as to allow county judges, commissioners of said courts, in this Commonwealth, one dollar for making settlements with fiduciaries, when the estate settled is not of value more than \$500, and one dollar and fifty cents per day where more than one day is required, instead of what is now allowed by law.

§ 2. This act shall take effect and be in force from its passage.

Approved January 31, 1878.

CHAPTER 110.

AN ACT to amend article 6, chapter 41, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., p.
463, B. & F.'s.
Changes 75 to 60.

§ 1. That the several jailers of this Commonwealth shall hereafter receive sixty cents per day for keeping and dieting each prisoner in jail charged with felony or contempt of court, to be paid out of the State Treasury.

§ 2. All acts in conflict with this act are hereby repealed.

§ 3. This act shall be in force from and after the first day of September, 1878.

Approved January 31, 1878.

CHAPTER 114.

AN ACT to regulate proceedings in ordinary actions in the Daviess circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The clerk of the Daviess circuit court, in docketing ordinary actions in said court, shall place them on the same day, which shall be the first day of each term of said court. Docketing cases.

§ 2. That witnesses subpoenaed therein shall be summoned to the seventh day of each term. Witnesses 7th day.

§ 3. On the said first day of a term, the court shall begin the call of said docket, continuing said call during the first week thereof until all the cases have been called, except that, on the third day of the term, the equity appearance docket shall be called as now provided by law. Call of docket.

§ 4. Upon said call of the docket, the court shall render judgment in each case where no issue of law or fact is tendered, unless time is given to tender such issue until the second call of the docket, as provided in the next section. Judgments.

§ 5. When said docket shall have once been called as herein provided, it shall be the duty of the court to call the cases left open with issues of law or fact therein, and to set such cases on and after the seventh day, as he may deem most advisable. On the call, the court may give time for the completion of the pleadings subsequent to the answer, where an issue has been made or tendered. Second call and set.

§ 6. In setting cases for trial as provided in the fifth section, the court shall ascertain whether a jury trial will be demanded; and unless a jury trial be then demanded by one of the parties, and the demand noted of record, the right to a jury trial shall be deemed to be waived; and in setting cases for trial, the court shall so assign them that the jury cases shall be, as far as practicable, set together, to the end that they may be tried consecutively. At time of setting cases jury must be demanded or waived.

Jury cases be set together.

§ 7. By the seventh day of each term, it shall be the duty of the clerk to make a docket of the cases as they have been set by the court; one such docket shall be placed at an accessible place in the court-room for public inspection, and one shall be provided by the clerk for the use of the court. Docket.

§ 8. The cases shall be called for trial in the order set as herein provided, and may be postponed to another day of the term or continued, as by existing law. Trial.

Jury—art. 5,
chap. 62, Gen.
Stat.

§ 9. The jury shall be summoned to appear on the day to which the first jury issue is set.

§ 10. The laws now in force respecting compulsory process to secure the attendance of witnesses are continued.

Civil Code, secs.
342-9, 358.

§ 11. That all laws in conflict with this be, and are hereby, repealed.

§ 12. This act shall be in force from its passage.

Approved February 1, 1878.

CHAPTER 137.

AN ACT to amend an act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district," approved April, 1873.

WHEREAS, The circuit court for the county of Kenton, held at Independence in the month of December in each year, has unintentionally been abolished, and no circuit court has been held at said place since June, 1877; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a term of the circuit court for the present year at Independence, in Kenton county, shall commence on the fourth Monday in February and continue six days, if the business requires it.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 6, 1878.

CHAPTER 148.

AN ACT for the benefit of counties owning stock in turnpikes, gravel and plank roads, in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Annual reports,
showing true
condition, to be
filed in county
clerk's office.

§ 1. That from and after the first day of January, 1879, it shall be the duty of the president and board of directors of each turnpike, gravel, and plank road company in this Commonwealth in which any county is the owner of stock, to produce and file annually a statement of its financial condition, verified by the president and treasurer of such com-

pany, before the county court of every county owning stock therein, at the next regular term of the county court succeeding the annual election of officers of each company, which statement shall exhibit the assets and indebtedness of the company, together with its receipts, and from what source, for the preceding year, and the disbursements made for the same period, and for what purpose; and it shall be the duty of the clerk of the county court wherein such statement shall have been made to file.

§ 2. That in default of making and filing such statement as defined in section one, the president and directors of the company in default shall each be liable to a fine of not less than ten, nor more than fifty dollars, to be recovered before the county judge by warrant in the name and for the use of the county wherein the default has been committed, as in case of other misdemeanors.

Penalty for
failure to report.

Approved February 7, 1878.

CHAPTER 164.

AN ACT fixing the pay of the officers and attaches of the present General Assembly, and to provide for the payment thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the following persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor.

§ 2. To the Speakers of the Senate and House of Representatives, ten dollars each per day during the present session.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars each per day during the present session, and ten days after adjournment of General Assembly for preparing acts for publication.

§ 4. To the Assistant Clerks to the Senate and House of Representatives, ten dollars each per day during the present session, and same amount per day for ten days thereafter for preparing acts for publication.

§ 5. To the Enrolling Clerks of Senate and House of Representatives, eight dollars per day, each, during present session.

§ 6. To Sergeant-at-Arms of Senate and House of Representatives, seven dollars each per day during the present session.

§ 7. To Door-keeper of Senate and House of Representatives, each six dollars (\$6) per day during the present session.

§ 8. To Cloak-room Keeper of the Senate, three dollars and fifty cents per day during the present session.

§ 9. To Cloak-room Keeper of the House of Representatives, five dollars per day during the present session.

§ 10. To the Pages of the Senate and House of Representatives, two dollars and seventy-five cents each per day during the present session.

§ 11. To the Janitors of Senate and House, three dollars per day, each, during the present session.

§ 12. This act shall take effect from and after its passage.

Approved February 12, 1878.

CHAPTER 169.

AN ACT to amend section 2, article 8, chapter 92, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Governor may
appoint collector
of revenue for
Clay county.

§ 1. That section 2, of article 8, of chapter 92, of the General Statutes, be, and the same is hereby, amended so as to authorize the Governor of this Commonwealth to make contracts for the collection of the revenue of Clay county when there is no sheriff in said county, or when the sheriff elect shall fail to execute bond and qualify, as prescribed by law, and may agree with the person contracted with as to compensation for said collection: *Provided, however,* He shall not pay more than fifteen per centum of the amount collected: *And provided further,* That in no case shall he be authorized to contract with the sheriff elect, or any former sheriff who has been elected and failed to execute bond and qualify as prescribed by law.

Shall not pay
more than 15 per
cent.

Who he may
not appoint.

Appointee to
execute bond.

§ 2. Whenever the Governor shall contract with any one for the collection of the revenue of said county under the

provisions of the first section of this act, before such person enters upon the discharge of his duties, he shall produce to the county court of Clay county the written order of the Governor appointing him, and shall thereupon execute bond for the collection of said revenue.

§ 3. Said collector and his sureties shall be jointly and severally liable to the Commonwealth of Kentucky, and all other persons, for any injury they may sustain by reason of any breach of said bond, in the same manner and to the same extent that sheriffs and their sureties are responsible by law.

Liability of collector & sureties.

§ 4. This act shall take effect and be in force from its passage.

Approved February 14, 1878.

CHAPTER 184.

AN ACT to amend article 12, of chapter 28, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article twelve (12), of chapter twenty-eight (28), of the General Statutes, be amended so as to extend the jurisdiction of the chancery court, continued in force by the article and chapter aforesaid, to the counties of Harrison and Robertson, and that all the provisions of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, and 20 of said article and chapter be made applicable to the court hereby extended to and established in said counties of Harrison and Robertson.

§ 2. That the court hereby extended to and established in said counties shall be held at the court-house in Cynthiana and Mt. Olivet, respectively, as follows: in Harrison on the third (3d) Mondays in February and July, and in Robertson on the third (3d) Monday in March and the first Monday in October of each year, each term to continue as many days as the business of the court may require, but not so as to interfere with the regular term of said court in any of the other counties in which said court may be held. The time for holding the terms of said court may be changed by an order of court entered of record in said courts, respectively, at the February term in Harrison and the March term in Robertson.

§ 3. The first regular terms of this court in said counties shall be held as follows: in the county of Harrison on the third Monday of July, 1878, and in Robertson county on the first Monday in October, 1878: *Provided*, That chancery suits may be brought to the next regular term of the circuit court in said counties as heretofore; and unless finally disposed of at that term, shall be transferred to the chancery court hereby established, together with copies of such orders as shall have been made, and thereafter prosecuted and determined as if brought in that court.

§ 4. This act shall take effect from and after its passage.

Approved February 15, 1878.

CHAPTER 187.

AN ACT to regulate the time of holding the circuit courts in the eighth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

October term abolished. § 1. That the equity term of the Garrard circuit court, commencing the second Monday in October, be, and the same is hereby, abolished.

Pulaski—of days added. § 2. That there be added to the term of the Pulaski circuit court, commencing the third Monday in September, six juridical days.

12 days to Wayne. § 3. That the Wayne circuit court be extended to twelve juridical days.

Russell. § 4. That the circuit courts of the county of Russell shall commence on the third Monday in May and November, and continue twelve juridical days.

Casey. § 5. That the circuit courts of the county of Casey shall commence the first Monday in June and December, and continue twelve juridical days.

Lincoln. § 6. That there be held in the county of Lincoln a criminal term, commencing the third Monday in June, and continue eighteen juridical days.

Process. § 7. That all processes that have been issued or may be issued since the last term of the courts herein mentioned, together with all bail bonds and recognizances made returnable before said courts, shall be returnable at the terms of said courts as herein specified to be held.

§ 8. All acts or parts of acts in conflict with this act are hereby repealed.

§ 9. This act shall take effect from and after its passage.

Approved February 15, 1878.

CHAPTER 188.

AN ACT to amend section 2, of article 1, chapter 106, entitled "Taverns, Tippling-houses," &c., of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That second 2, of article 1, chapter 106, title "Taverns, Tippling-houses," &c., of the General Statutes of the Commonwealth of Kentucky, be, and the same is hereby, amended as follows: so much of said section as requires an applicant for a tavern license to be prepared with stabling, shall not apply to the cities of Louisville and Lexington, or any other city or town of more than fifteen hundred inhabitants.

Gen. Stat., p
803.

§ 2. This act shall take effect from its passage.

Approved February 19, 1878.

CHAPTER 193.

AN ACT to amend chapter 18, General Statutes, "Common Schools."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That each school district shall be under the control of three trustees, any two of whom may constitute a quorum to transact the business pertaining to their office, the election for whom shall be held in the school-house of such district, provided there is a school-house in said district; and if there is no school-house in said district, then at such place as the trustees thereof may select, from one to six o'clock in the evening of the first Saturday in June of each year.

Gen. Stat., pp.
223-4, Art. 7,
secs. 1, 2, 3, & 4.

§ 2. The commissioner shall attend at his office on the fourth Saturday in June, 1878, and every year thereafter, to administer the oath of office to trustees elect; but it shall be lawful for any justice of the peace to administer the oath of office to any trustee, provided the fact is reported by said justice within ten days thereafter to the commissioner. The board so elected and qualified, or a majority thereof, shall employ the teacher for the ensuing year.

Term, 1, 2, &
3 years—how de-
termined.

Elections:

Chairman—his
duties.

V. O. C.

§ 3. The trustees first elected after this act goes into effect shall serve as follows: one for one year, one for two years, and one for three years; and the trustees so elected, immediately after the first election under this act, shall determine, by lot or otherwise, the length of time each shall serve as aforesaid; and thereafter one trustee shall be elected each year for the term of three years, to fill the place of the trustee going out of office. The trustee having the shortest time to serve shall be chairman of the board of trustees, whose duty it shall be to preside at all its meetings, and to make the reports, and to perform all other such acts and duties as now required by law of trustees; and in case of neglect or non-performance of duty, the one so remiss of duty shall be subject to like fines and penalties as now imposed by law on trustees for neglect of duty or other violations of the law. Vacancies in the office of trustee, occasioned by death, resignation, or otherwise, before the time for which said trustee was elected, shall be filled in the same manner as now required by law.

§ 4. The commissioner shall deliver to the chairman of the board all the necessary blanks, and notice to him shall be deemed a notice to the board.

Gen. Stat., p.
229.

§ 5. That section 21, article 7, be amended by substituting for trustee the words, "the chairman of the board of trustees."

See secs. 1, 2,
3, and 4, Gen.
Stat., art. 7, pp.
223-4.

§ 6. That so much of the chapter aforesaid, to which this is an amendment, as shall come in conflict with this act, shall stand repealed when this act takes effect; and wherever the word trustee occurs in said chapter, it shall hereafter read trustees.

§ 7. This act shall take effect and be in force from and after the first day of June, 1878.

Approved February 20, 1878.

CHAPTER 194.

AN ACT to provide for the payment of expenses of committee appointed to visit Deaf and Dumb Institute at Danville and Eastern Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for the sum of fifty

dollars, which sum is to be equally divided among James Shackelford, E. C. Bainbridge, Edmund Burr, Abner Eversole, and C. N. Pendleton.

§ 2. This act to take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 205.

AN ACT to pay the traveling expenses of a select committee to visit certain charitable institutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be authorized to draw his warrant on the Treasury for the sum of eighty (\$80) dollars, to be paid out of any money not otherwise appropriated, to be divided equally between Richard A. Spurr, John Foland, J. C. Welch, and R. I. McQuiddy, the same being the amount of their expenses to and from certain asylums which they were ordered to visit.

§ 2. This act to take effect from its passage.

Approved February 20, 1878.

CHAPTER 255.

AN ACT to regulate the times of holding the circuit and criminal courts in the sixteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the circuit courts in the sixteenth judicial district shall be held as follows:

In the county of Martin, shall begin on the last Mondays of February and August, and continue six days each; Martin.

Shall begin in the county of Lawrence on the first Mondays of March and September, and continue twelve days each; Lawrence.

Shall begin in the county of Carter on the third Mondays of March and September, and continue eighteen days each; Carter.

Shall begin in the county of Pike on the second Mondays in April and October, and continue six days each; Pike.

Shall begin in the county of Floyd on the third Mondays of April and October, and continue six days each; Floyd.

Johnson. Shall begin in the county of Johnson on the fourth Mondays of April and October, and continue six days each;

Magoffin. Shall begin in the county of Magoffin on the Mondays succeeding the Johnson circuit court, and continue six days each;

Boyd. Shall begin in the county of Boyd on the third Mondays of May and November, and continue eighteen days each.

§ 2. The terms of the criminal courts in the sixteenth judicial district shall be held as follows:

Pike. Shall begin in the county of Pike on the second Mondays of March and September, and continue six days each;

Floyd. Shall begin in the county of Floyd on the third Mondays of March and September, and continue six days each;

Magoffin. Shall begin in the county of Magoffin on the fourth Mondays of March and September, and continue six days each;

Johnson. Shall begin in the county of Johnson on the first Mondays of April and October, and continue six days each;

Lawrence. Shall begin in the county of Lawrence on the third Mondays of April and October, and continue six days each;

Carter. Shall begin in the county of Carter on the fourth Mondays of April and October, and continue twelve days each;

Boyd. Shall begin in the county of Boyd on the third Mondays of June and December, and continue eighteen days each.

Martin. § 3. The first circuit court in the county of Martin after the passage of this act shall begin on the first Monday in May, and continue six days, and thereafter be held as provided in the first section of this act.

Meaning of "days." § 4. The word "days" in this act means, and shall be taken as, juridical days.

§ 5. This act shall take effect from its passage.

Approved February 26, 1878.

CHAPTER 263.

AN ACT to amend subsection 2, of section 337, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 2, of section 337, of the Civil Code of Practice, be, and the same is hereby, amended by striking out the words "at the close of the trial," and inserting in

lieu thereof the words, "during the term at which the judgment becomes final."

§ 2. That this act shall take effect from and after its passage, and shall apply to all appeals now pending or which may be hereafter prosecuted.

Approved February 27, 1878.

CHAPTER 275.

AN ACT establishing a legal rate of interest, and declaring contracts for a greater rate void as to the excess over the legal rate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the legal interest shall be at the rate of six dollars upon one hundred dollars for one year, and at the same rate for a greater or less sum, and for a longer or shorter time. Gen. Stat., p. 562

§ 2. All contracts and assurances made, directly or indirectly, for the loan or forbearance of money or other thing of value, at a greater rate than legal interest, shall be void as to the excess over the legal interest.

§ 3. The amount loaned, with legal interest, may be recovered on any such contract or assurance; but if the lender refuse, before suit brought, a tender of the principal, with legal interest, he shall pay the costs of any suit brought on such contract or assurance.

§ 4. Sections 1 and 2, of article 1, of chapter 60, of the General Statutes, and the whole of article 2, of said chapter, and all amendments to said article, and sections 15, 16, 17, 18, and 19, of chapter 22, of the General Statutes, and all other laws and parts of laws in conflict with this act, are hereby repealed. Gen. Stat., pp. 251 and 252.

§ 5. This act shall take effect on and after the first day of April, 1878.

Approved March 2, 1878.

LAWS OF KENTUCKY.

CHAPTER 283.

AN ACT to amend article 29, chapter 29, of the General Statutes, entitled
 "Crimes and Punishments."

*Be it enacted by the General Assembly of the Commonwealth
 of Kentucky:*

Gen. Stat.

§ 1. That section 5, of article 29, chapter 29, of the General Statutes, be, and the same is hereby, repealed, and the exemptions in said section shall not hereafter be allowed as matter of defense in any prosecution for carrying concealed deadly weapons.

Approved March 6, 1878.

CHAPTER 290.

AN ACT for the appointment of official reporters, and for the preservation of evidence in certain cases in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth
 of Kentucky:*

Reporters to
 be appointed.

§ 1. That the judges of the circuit courts of the tenth and eleventh judicial districts of this Commonwealth, the judge of the court of common pleas of the tenth judicial district, and the judge of the criminal court of the eleventh judicial district, or a majority of them, are hereby authorized to appoint two phonographic reporters, who shall be skilled in their profession, and who shall hold their office for four years, and until their successors are appointed and qualified, unless they or either of them are removed from office by said judges, or a majority of them; and said judges, or a majority of them, shall have power to remove said reporters, or either of them, for malfeasance, misfeasance, or incapacity.

Power to remove

Report in civil
 cases.

§ 2. Upon the trial of any civil cause in any of the above courts, if either of the parties to said suit shall request the services of said official reporters, the presiding judge shall order a full report of the testimony; in which case, it shall be the duty of said official reporters to cause full short-hand notes of said testimony to be taken. For the taking of such short-hand notes, the party that requested that the same should be taken, and who shall have the exclusive benefit derived therefrom, shall pay for the taking thereof forthwith; and in no case shall the cost for the taking thereof be taxed

Party to pay
 for report.

against the party not ordering it; and upon the request of the party who ordered the report, said reporters shall make and file a full and accurate transcript of said short-hand notes, and file the same in the papers of said case; but said reporters shall not be compelled to file such transcript until the party ordering the same has paid therefor. The fees for taking such short-hand notes and for making such transcript shall be the same as those now allowed in the Jefferson court of common pleas.

Fees.

§ 3. Upon the trial of any criminal cause in any of the above courts, if the Commonwealth's Attorney, and the county attorney in the county in which the cause may be pending, or the accused, shall request the services of said official reporters, the presiding judge shall order a full report to be made of the testimony; in which case it shall be the duty of said official reporters to cause full short-hand notes of said evidence to be taken, and a full and accurate transcript thereof to be made, and filed in the papers of such case, if the judge shall order such transcript and filing. The fees for taking such short-hand notes and for making such transcript shall be the same as those now allowed in the Jefferson circuit court. The expense for taking and perpetuating such criminal evidence shall be borne by the counties in which such evidence is ordered, as provided for in this section, except in the following cases: where expenses are borne in ratable proportion by the county in which such evidence is taken, and by some municipal corporation or corporations within the body of such county, then the taking and perpetuating of such testimony is to be paid for by such county and corporation or corporations, in the same ratable proportion as that paid by them for other joint expenses: *Provided*, That no part of such fees are paid by the Commonwealth.

Report in criminal cases.

Fees.

Counties interested to bear expense.

§ 4. The testimony of any witness or witnesses taken by said official reporters, in any of the courts as aforesaid, shall constitute a part of the record of the case, and may, in the discretion of the court, be used in any subsequent trial of the same case between the same parties: *Provided*, That this shall only apply in civil causes, where the testimony of said witness or witnesses cannot be procured; which fact must be made to appear to the court by the affidavit of the party desiring to use the same, or his attorney, and the affidavit of two disinterested persons.

No fees to be paid by Commonwealth.

Testimony of witnesses to be part of record.

Reporters to
be *ex officio* ex-
aminers.

§ 5. Official reporters appointed under the provisions of this act shall be *ex officio* examiners; may have a common seal, and shall have full power and authority to swear witnesses, and take and certify depositions in any of the courts of this Commonwealth, and shall have the same fees as now allowed by the law to examiners.

Oath.

§ 6. Before entering upon the duties of their office, official reporters appointed under the provisions of this act shall take an oath for the faithful performance of their duty.

Reports may
be taken to the
Court of Appeals

§ 7. That any of said reports, when attested by the judge before whom the trial is had, may be taken, without being copied, to the Court of Appeals, to be used upon an appeal, as a part of the bill of exceptions, and thereafter returned to the court in which it was made.

Counties ex-
cepted.

§ 8. This act is not to apply to the counties of Clark, Boone, Henry, Grant, Gallatin, and Carroll.

§ 9. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 296.

AN ACT in relation to pawnbrokers in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Who a pawn-
broker.

§ 1. That any person who loans money on deposit of personal property, or who deals in the purchase of personal property on condition of selling the same back again at a stipulated price, or who makes a public display at his or their place of business of the sign generally used by pawnbrokers to denote their business, to-wit: "three gilt or yellow balls," or who publicly exhibit a sign of "money to loan on personal property or deposit," is hereby declared to be a pawnbroker.

Bond.

§ 2. Every person to whom a city or town license shall be granted to carry on the business of pawnbroker shall annually enter into bond to said city or town from whence the license issues, with good and sufficient surety, to be approved by the city council or town trustees, in the penal sum of \$1,000 (one thousand dollars), conditioned that he or they will observe the provisions of this act and such ordinances and laws as are now in force in the cities and towns in this Commonwealth not inconsistent with this act.

§ 3. No pawnbroker shall receive, by way of pledge or pawn, any goods, article, or things whatever from a minor, at any time, nor from any person between the hours of 8 o'clock, P. M., and 7 o'clock, A. M.

Not to receive from minor, nor from any one after 8 P. M. or before 7 A. M.

§ 4. Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him, which register shall show the date of all loans or purchases, and the name of all persons who have left any description of property on deposit as collateral security, or as a delivery or sale thereof. Opposite such names and dates shall be written in plain hand a full description of all such property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. In addition to this, he shall give the party negotiating or selling a plain written or printed ticket for the loan, and a plain written or printed receipt of the articles purchased, or upon which money is loaned, having on each a copy of the entries required by the act to be kept in his register. For the ticket or receipt he shall not be entitled to make any charge. Said registry shall at all times be open to the inspection of any officer of this Commonwealth when in the discharge of his official duty. Any pawnbroker shall have the right to sell any article pawned after the expiration of ninety days from the maturity of the loan.

Must keep a register, and what it must show, and give ticket, and what it must show.

90 days after maturity may sell.

§ 5. Any pawnbroker who shall neglect, violate, or refuse to comply with any or either of the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars, and, in addition thereto, his license may, at the discretion of a jury, be forfeited to the use of the city or town where the prosecution is had.

Punishment for failure, &c.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 299.

AN ACT providing for the recording of executions in the county where land is levied on or sold thereunder which shall issue from the court of another county than that in which the land levied on is situated.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fi. fa. from another county.

§ 1. That where executions of *feri facias* are or shall be issued from the courts of any county in this Commonwealth, and the same are sent to another county, and shall be, by the sheriff of such county, levied upon land in such county, it shall be the duty of the sheriff so levying said execution to return the same to the clerk of the circuit court in his county, who shall record the same as executions are now required to be recorded; and, after recording same, such clerk shall deliver said execution back to the sheriff, who shall return the same to the office of the court whence it issued.

To be recorded.

§ 2. The clerk recording such execution shall have the same fee therefor as is now allowed for similar services.

Fee.

§ 3. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 310.

AN ACT to amend an act regulating the holding of the courts in the eighth judicial district, approved February 15, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the criminal term in Lincoln county, beginning the third Monday in June, be, and the same is hereby, changed to the fourth Monday in July.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 319.

AN ACT to amend chapter 29, of article 35, title "Crimes and Punishments," of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., p. 365, B. & F.'s.

§ 1. That section 10, of chapter 29, article 35, title "Crimes and Punishments," of the General Statutes, be, and the same is hereby, repealed.

§ 2. That it shall not be lawful for any person having a license to sell spirituous, vinous, or malt liquors by the drink, or otherwise, to sell, give, or loan any of such liquors, or the mixture of either, knowingly, to any person who is an inebriate, or in the habit of becoming intoxicated or drunk by the use of any such liquors, or to suffer or permit any such person to drink any of such liquors, or the mixture of either, in his bar-room, saloon, or in or upon any tenement or premises in his possession or under his control. Any one so offending shall be subject to a fine of fifty dollars for each offense, to be recovered by indictment of a grand jury in any court of competent jurisdiction, or by warrant before the county judge or a justice of the peace of the county in which the offense was committed; and the person so found guilty shall also be deemed as having forfeited his license, and the court before which the trial is had shall so adjudge.

§ 3. That, in addition to the fine aforesaid, the person who shall violate any of the provisions of the second section of this act shall, together with his sureties on his bond, be liable to a civil action for damages by the wife, or the father, or the mother, or the child of such inebriate, or person so in the habit of becoming intoxicated or drunk, in which punitive damages may be assessed: *Provided, however,* That the person so selling shall not be liable in civil action to the wife, father, or other relation, unless written notice forbidding such sale has been given the person so selling prior to the offense complained of: *Provided further,* That such action shall be brought within one year from the time the cause of action has accrued, and not after.

§ 4. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 342.

AN ACT to amend subsection 5, of section 13, of the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 5, of section 13, of the Criminal Code of Practice, be amended by adding thereto the following:

LAWS OF KENTUCKY.

"Or imprisonment not exceeding fifty days, or both such fines and imprisonment."

§ 2. That this act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 383.

AN ACT to define the duties and fix the compensation of the Public Printer and Binder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Election biennially—term of office two years from August.

Vacancy to be filled by Governor.

Covenant and oath to be deposited in Auditor's office.

Office at Seat of government. Proclamations, sales, and forfeiture of lands, &c., to be published in newspaper.

§ 1. That a Public Printer and Binder shall be elected by a joint ballot or vote of the two Houses of the General Assembly at its present session, and biennially thereafter, who shall continue in office two years from and after the first Monday in August next succeeding his election; and if, from any cause, a vacancy shall occur in the office in the recess of the General Assembly, it shall be the duty of the Governor to appoint some proper person to discharge its duties for the remainder of the term.

§ 2. Before entering upon the duties of his office, the Public Printer and Binder shall execute a covenant, with two or more sureties, residents of this Commonwealth, who shall own real estate in this Commonwealth worth at least \$25,000 over and above all their liabilities and exemptions, to be approved by the Governor, conditioned for the faithful execution of the public printing and binding, the preservation and return of any material furnished him by the Commonwealth, for the faithful performance of all his official duties, and the payment of all judgments rendered against him and them under the requirements of this act. He shall, moreover, take the oaths prescribed by the Constitution of this State. The covenant, and a certificate showing that said oaths have been taken, shall be deposited in the office of the Auditor of Public Accounts for safe-keeping.

§ 3. The Public Printer and Binder shall keep his office at the seat of government, and shall publish a newspaper of not less than weekly issue, and shall publish in the same the Governor's proclamations and general election returns. He shall also publish in the same advertisements for the sale of

non-residents' lands, twice per month for three months; land forfeited to the State for the non-payment of taxes, twice per month for three months, and such other advertisements as the several departments of the State government may be required to publish in a newspaper, for which he shall receive compensation at the rate of one (\$1) dollar per lineal inch, single column solid matter, and in type not larger than brevier, for the first insertion, and twenty-five (25) cents per lineal inch for each subsequent insertion. Price and how.

§ 4. For all composition, in whatever type, except as otherwise provided in this act, the rates per one thousand ems shall be as follows: plain composition forty (40) cents; plain figure work seventy-five (75) cents; column matter, in three or more columns, depending upon each other, and reading across the page, without rules, seventy-five (75) cents; rule and figure work, tabulated, one (\$1) dollar. Compensation.

§ 5. For plain ruled blanks, such as the Governor's proclamations (rewards), fifty (50) cents per quire for the first ten quires, and fifteen (15) cents for each additional quire ordered printed at the same time. Plain ruled blanks.

I. For script work, such as the Governor's pardon, fifty (50) cents per quire for the first ten quires, and fifteen (15) cents per quire for each additional quire ordered printed at the same time. Script.

II. For bill heads, four dollars and twenty-five (\$4 25) cents for the first thousand; for each additional thousand, two dollars and seventy-five (\$2 75) cents, same form, ordered printed at the same time. Bill heads.

III. For letter heads, such as are used by the different departments, three (\$3) dollars for the first ream, counting 960 half sheets to the ream, and two (\$2) dollars per ream for each additional ream, same form, ordered printed at the same time. Letter heads.

IV. For assessors' blank-book blanks, on paper of the required size, fifteen (\$15) dollars for the first thousand sheets, and ten (\$10) dollars for each additional thousand sheets ordered printed at the same time. Assessors' blanks.

V. For blanks on cap or letter paper, half sheets, printed on one side, counting 960 to the ream, five (\$5) dollars for the first ream, and two (\$2) dollars for each additional ream, same form, ordered printed at the same time, and fifty (50) Blanks on cap or letter paper.

cents per quire, if half ream or less be ordered at the same time. The same, printed on both sides, eight (\$8) dollars for the first ream, and two dollars and fifty (\$2 50) cents for each additional ream, and seventy-five (75) cents per quire, if not more than half ream be ordered at one time.

Envelopes or
slips. VI. For envelopes or slips, seventy-five (75) cents for the composition, and one dollar and twenty-five (\$1 25) cents per thousand for the press-work.

Returns of
births, &c. VII. For returns of births, deaths, and marriages, and work of similar character, on flat cap paper, four dollars and fifty (\$4 50) cents for the first ream, and three dollars and fifty (\$3 50) cents for each additional ream; on medium paper, five dollars and fifty (\$5 50) cents per ream for the first ream, and three dollars and fifty (\$3 50) cents for each additional ream; on super-royal paper, six (\$6) dollars for the first ream, and three dollars and fifty (\$3 50) cents for each additional ream, same form, ordered printed at the same time.

Blank books. VIII. For printing headings and ruling blank books, the compensation shall be as follows:

For printing the headings to every book of six quires or less, three (\$3) dollars; for every additional quire, twenty-five (25) cents, whether to be put in the same binding or not.

Ruling same. For ruling blank books of medium or less size, two (\$2) dollars per book; for all sizes over medium, three (\$3) dollars per book.

What included
above. IX. The rates of compensation fixed in this section for work done by the quire, ream, or thousand sheets, includes all necessary composition, ruling, press-work, cutting, and dry-pressing; and for such work the Public Printer and Binder shall not charge, nor be allowed, any additional compensation.

Composition—
transfer of orig-
inal. § 6. Original composition, transferred from one document to another, of whatever character, per 1,000 ems, eight (8) cents. This includes leading or unleading, overrunning, changing head or foot-lines, and making up forms. No composition shall be leaded unless actually required. Nor shall any composition, on any pretext whatever, be paid for a second time, unless the work shall have been actually done, and only then when unavoidable necessity compels its re-setting. No charges shall be made or allowed for correcting forms in any case, except where material alterations shall

No charge for
correcting forms,
&c.

have been made in original copy, in which case there shall be allowed, for every hour of time necessarily occupied in making such corrections, fifty (50) cents.

I. In estimating the composition upon all bills, resolutions, and other documents ordered by the two Houses, or either of them, to be printed in bill form, the same shall be measured as pica matter. The Journals of the two Houses, the Acts of the General Assembly, and volumes of the Public Documents, shall be measured as small pica matter, and every necessary fraction of a page shall be counted as a full page; but in no case shall an entire blank page be counted or charged for.

Estimates — how made.

II. The Journals of the two Houses of the General Assembly, the volumes of Public Documents, and the Laws, shall be printed in royal octavo form, on neat small pica type, with as near as can be two thousand ems in a page, without any unnecessary leads, blanks, or broken lines or pages. The volumes of Public Documents shall contain nothing that is to be inserted in the Laws or Journals of the same year; and the various documents inserted therein shall follow each other in as close, compact order as is consistent with good workmanship, without the intervention of unnecessary blanks or separate title or half-title pages; and the paging thereof shall be separate, and at the conclusion shall be an index, showing the order in which the documents appear. In cases where any document is printed in pamphlet form, which shall also be inserted in said volumes, and when any document shall be printed in pamphlet form, which shall also be printed in the Journals, but one charge shall be made or allowed for the composition thereof.

How Journals and Public Documents to be printed, & what to contain, &c.

III. All other work, where a separate allowance is made for composition, shall be estimated according to the type used; but no job shall be counted less than 1,000 ems; and all work shall be executed in a style consistent with good taste and workmanship, and with due regard to economy.

All other work to be estimated according to type used.

§ 7. For press-work, not otherwise provided for in this act, the compensation shall be as follows, viz: For each token of 240 impressions on full sheets of any size, including dry-pressing, fifty (50) cents. All bills, resolutions, and other documents, ordered by the General Assembly, or either branch thereof, ordered printed in bill form, fifty cents per token. This to include folding and delivering, provided not

Press-work, and compensation.

Bills, resolutions, &c.

more than two hundred copies are ordered. For folding and inserting maps, diagrams, plates, and illustrations, with or without facings, per one hundred copies, one (\$1) dollar.

§ 8. For binding with paper covers all books, documents, or other publications, where the number of pages, exclusive of the covers, does not exceed forty-eight (48), the compensation shall be one and one half cents per copy, and one cent for every additional forty-eight (48) pages contained therein.

I. For binding with paper covers, cloth backs, any book, document, or volume, the compensation shall be four (4) cents per copy for every ninety-six (96) pages contained therein, exclusive of the covers.

II. For half binding, leather backs, titles lettered with gold leaf, paper sides, the compensation shall be as follows:

Half law skiver, forty (40) cents per volume.

Half law sheep binding, sixty-five (65) cents per volume.

Half law roan binding, sixty-five (65) cents per volume.

III. For full binding, the compensation shall be as follows:

Law skiver binding, seventy (70) cents per volume.

Law sheep binding, ninety (90) cents per volume.

Law calf binding, one dollar and twenty-five (\$1 25) cents per volume.

IV. For cloth binding, the compensation shall be as follows:

All books, documents, or other publications, in muslin covers, plain colors, whether plain, gilded, or embossed, with lettering on sides or backs, or both, per volume, fifty (50) cents.

V. For binding blank books the compensation shall be as follows:

Plain half binding, letter or cap size or smaller, less than six quires, thirty (30) cents; six quires or over, fifty (50) cents per book.

Plain binding, with spring backs, less than six quires, one dollar and twenty-five (\$1 25) cents; six quires or over, two (\$2) dollars per book.

Full binding, less than six quires, two (\$2) dollars; six quires or over, two dollars and fifty (\$2 50) cents per book.

Full binding, Russia corners, less than six quires, two dollars and fifty (\$2 50) cents; six quires or over, three (\$3) dollars per book.

Full binding, Russia ends and bands, less than six quires, three (\$3) dollars; six quires or over, three dollars and fifty (\$3 50) cents per book. Russia ends and bands.

Half binding, demy, less than six quires, sixty (60) cents; six quires or over, eighty (80) cents per book.

Half binding, demy, spring backs, less than six quires, one dollar and seventy-five (\$1 75) cents; six quires or over, two dollars and fifty (\$2 50) cents per book. Spring backs.

Full binding, less than six quires, two dollars and fifty (\$2 50) cents; six quires or over, three (\$3) dollars per book. Full binding.

Full binding, Russia corners, less than six quires, three (\$3) dollars; six quires or over, three dollars and fifty (\$3 50) cents per book. Full Russia.

Full binding, Russia ends and bands, less than six quires, four (\$4) dollars; six quires or over, four dollars and fifty (\$4 50) cents per book.

Half binding, medium, less than six quires, one (\$1) dollar; six quires or over, one dollar and twenty-five (\$1 25) cents per book. Half binding.

Half binding, with spring backs, less than six quires, two (\$2) dollars; six quires or over, two dollars and seventy-five (\$2 75) cents per book.

Full binding, less than six quires, three (\$3) dollars; six quires or over, three dollars and fifty (\$3 50) cents per book.

Full binding, Russia corners, less than six quires, three dollars and fifty (\$3 50) cents; six quires or over, four (\$4) dollars per book.

Full binding, Russia ends and bands, less than six quires, four dollars and fifty (\$4 50) cents; six quires or over, five (\$5) dollars per book.

Half binding, royal, less than six quires, one (\$1) dollar; six quires or over, one dollar and twenty-five (\$1 25) cents per book.

Half binding, royal, with spring backs, less than six quires, two (\$2) dollars; six quires or over, two dollars and seventy-five (\$2 75) cents per book.

Full binding, less than six quires, three (\$3) dollars; six quires or over, three dollars and fifty (\$3 50) cents per book.

Full binding, Russia corners, less than six quires, three dollars and fifty (\$3 50) cents; six quires or over, four (\$4) dollars per book.

Full binding, Russia ends and bands, less than six quires, four dollars and fifty (\$4 50) cents; six quires or over, five (\$5) dollars per book.

Super-royal.

Half binding, super-royal, less than six quires, one dollar and twenty-five (\$1 25) cents; six quires or over, one dollar and seventy-five (\$1 75) cents per book.

Half binding, super-royal, with spring backs, less than six quires, two dollars and fifty (\$2 50) cents; six quires or over, three dollars and twenty-five (\$3 25) cents per book.

Full binding, less than six quires, three dollars and twenty-five (\$3 25) cents; six quires or over, three dollars and seventy-five (\$3 75) cents per book.

Full binding, with Russia corners, less than six quires, four (\$4) dollars; six quires or over, four dollars and fifty (\$4 50) cents per book.

Full binding, with Russia ends and bands, less than six quires, five (\$5) dollars; six quires or over, five dollars and fifty (\$5 50) cents per book.

Imperial.

Half binding, imperial, less than six quires, two (\$2) dollars; six quires or over, two dollars and seventy-five (\$2 75) per book.

Half binding, with spring backs, less than six quires, three (\$3) dollars; six quires or over, three dollars and seventy-five (\$3 75) cents per book.

Full binding, less than six quires, three dollars and seventy-five (\$3 75) cents; six quires or over, four dollars and fifty (\$4 50) cents per book.

Full binding, with Russia corners, less than six quires, four dollars and fifty (\$4 50) cents; six quires or over, five dollars and twenty-five (\$5 25) cents per book.

Russia ends & bands, full.

Full binding, with Russia ends and bands, less than six quires, six dollars and fifty (\$6 50) cents; six quires or over, seven dollars and fifty (\$7 50) cents per book.

Indexing blank books.

VI. No charge shall be allowed for indexing blank books, where the index is a part of the book, except where leather tabs, with gold letters, are used, in which case, for each alphabet, the Public Printer and Binder shall be allowed \$2.

When index is separate.

VII. When the index is a separate volume, the same rate of compensation shall be allowed for it as for other blank books; but the same rule shall apply to indexing as in the preceding subsection.

VIII. The Public Printer and Binder shall, without any extra compensation than that allowed for binding, stamp or print the words "Public Property," "Property of the State of Kentucky," "State Library," or other similar lettering which may be required by law, or directed by heads of departments to be placed in or upon books or other public documents.

"Public property."

IX. The foregoing list of prices includes all the work appertaining in any way to binding, except ruling and printing headings in blank books; and all material necessary to be used by the Public Printer and Binder in binding, with the exception of paper covers and the paper used in blanks and blank books, shall be furnished at his own expense, and on no pretext whatever shall greater compensation be charged or allowed than is specified herein for said work; said binding material shall be of good substantial quality, such as is used by first-class publishing houses for similar work.

What foregoing list of prices includes.

§ 9. There shall be printed by the Public Printer and Binder 500 copies each of the Journals of the House of Representatives and Senate, 1,000 copies of the pamphlet edition of the Public Laws, 3,000 copies of the bound edition of the Public and Private Laws of each session of the General Assembly, 1,000 copies of the State Treasurer's Report, 2,500 copies of the Auditor's Report, 6,000 copies of the Report of the Superintendent of Public Instruction, 300 copies each of the Adjutant and Quarter Master General's Reports, 500 copies each of the Reports of the Superintendents of the several charitable institutions of the State, the American Printing House for the Blind, the Keeper of the Penitentiary, the President of the Agricultural College, the State Librarian, and the Commissioner of Agriculture, Horticulture, and Statistics. The Private and Public Acts of the General Assembly shall be printed separately; but, if practicable, embraced in one volume. The Reports of the Auditor, the Public and Private Acts, the Journals of each House, the Report of the Commissioner of Agriculture, Horticulture, and Statistics, and 100 copies of the Governor's Message, shall be bound; all others shall be only stitched, unless otherwise specially ordered: 200 copies of each of the above reports shall be for the use of the members of the General Assembly, and the remainder shall be for the use of the several heads of the various institutions

500 copies of Journals, 1,000 pamphlets, 3,000 Public and Private Laws, 1,000 Treasurer's, 2,500 Auditor's, 6,000 Superintendent's, 3,000 Adjutant and Quarter Master General's, 500 of Charitable Institutions, &c., reports.

How printed and bound.

named. If any report, bill, or other document, is ordered printed, and no number is specified, but 200 copies shall be printed.

Itemized accounts to be furnished Auditor.

§ 10. The Public Printer and Binder shall, on the completion of any job of work ordered to be executed by him under the provisions of this act, render to the Auditor of Public Accounts an itemized account of all such work, showing in said account the amount of composition (where separate payment is allowed for composition), the amount of press-work and of binding, and the cost of each, and the offices or departments for which it was ordered, with the kind, quality, and quantity of paper used in each job; which accounts shall be verified by the affidavit of the Public Printer and Binder, and shall be attached thereto or indorsed thereon. The Public Printer and Binder shall also deposit with the State Librarian a copy of every job of printing and binding done by him under this act, except blank books, or books of which less than ten copies are ordered; and pasted therein, or attached thereto, shall be an itemized account of the cost of the work done by him on that job, similar in all respects to the itemized account filed with the Auditor, and verified by him in the same manner; and until said account is filed with the Auditor, with the approval of the Governor indorsed thereon, and said copy of the work, with the itemized account attached thereto, is filed with the State Librarian, payment shall not be made by the Auditor to a greater extent than 80 per cent., to be paid on the estimated cost as the work progresses.

Copy of every job to be deposited with Librarian, and itemized account of cost of work, &c., before paid for.

Duty of Auditor, Librarian, & Printing Committee of Senate and House.

§ 11. It shall be the duty of the Auditor to carefully file and preserve, in his office, said itemized accounts of the work done, and the Librarian to carefully keep and preserve in the State Library all of said copies of the work done by the Public Printer and Binder, with the aforesaid itemized accounts attached thereto; and it shall be the duty of the Printing Committees of the Senate and House of Representatives, or a Joint Committee appointed for that purpose, during each session of the General Assembly, to carefully examine all of said accounts and work so filed since the meeting of the preceding session of the General Assembly, or any such accounts and work formerly done, if, in the opinion of said committee, it may be necessary, and compare said accounts with the prices allowed to be charged in this

If any error, Attorney General to be informed, and his duty.

act; and if, in the opinion of said committees, or either of them, there is in any of said accounts an improper or illegal charge or charges, it shall be the duty of said committee, through its chairman, to immediately inform, in writing, the Attorney General of the same, stating concisely the items objected to, and the reasons therefor; and thereupon the Attorney General shall proceed, in the name of the Commonwealth of Kentucky, by motion in the Franklin circuit court, to quash said account or accounts. The Attorney General shall cause to be served a notice on the Public Printer and Binder, and his sureties on his official bond, at least ten days before said motion shall stand for trial; which notice shall state the amount for which judgment will be asked, and the reasons therefor. He shall also file a copy of the notice with the clerk of said court on or before the day the motion stands for trial; which notice shall be the foundation of the proceeding, and no other pleading shall be necessary. He shall also file with said clerk a copy of the itemized account upon which the proceeding is based, and a copy of the official bond of the Public Printer and Binder. If, upon hearing the motion, it is adjudged that there is any item or items of said account improperly or illegally charged therein, it shall be the duty of the court to quash said account, and render judgment against the Public Printer and Binder and his sureties, in favor of the Commonwealth, for the amount of the account, and ten per cent. interest thereon from the time the money was paid until collected; and the costs of the proceeding, including a reasonable attorney's fee to the Attorney General, which shall be allowed by the court. Said judgment shall be enforced as other judgments in favor of the Commonwealth; and the sureties in the official bond of the Public Printer and Binder against whom judgment is rendered, shall be responsible to the fullest extent for the payment thereof.

Duty of court
and judgment.

§ 12. It shall be the duty of the Public Printer and Binder to contract for and furnish to the State, on the most advantageous terms possible, all the engraving and lithographing required by law, or the head of departments, for the public work, at the actual cost price thereof; and he shall receive no compensation for such services. He shall verify his accounts for the same by furnishing the itemized bills of the parties doing such work.

Engraving and
lithographing.

Present accounts
to Governor, sec-
tions 10 and 12
hereof.

§ 13. It shall be the duty of the Public Printer and Binder to present to the Governor all his accounts for public printing and binding, made out and verified as specified in section 10, and for engraving and lithographing, as specified in section 12 of this act; and it shall be the duty of the Governor to carefully examine all of said accounts, and if he considers them correct, to indorse his approval thereon; and thereupon, provided the Public Printer and Binder has complied with the conditions prescribed in sections 10 and 12 of this act, the Auditor shall draw his warrant upon the Treasurer for the amount due him upon said account or accounts.

Paper, envel-
opes, parchment,
&c., to be fur-
nished by Libra-
rian.

"Correct."

§ 14. All paper, envelopes, parchment, and other supplies of like character, necessary for executing the public printing, shall be furnished by the State Librarian, as now required by law; and the Public Printer and Binder shall direct, in writing, the Librarian as to the quantity and quality of paper required for the work to be done by him, but said paper or other material shall not be paid for until the account for same is indorsed "correct" by the State Librarian, and the paper accepted by the Public Printer and Binder; and in the event the Public Printer and Binder refuses, in a reasonable time after its delivery, to accept said paper, it shall be immediately returned by the State Librarian to the person or persons furnishing it, at their own expense.

Public Printer
to receipt to Li-
brarian — Libra-
rian to keep
book, &c.

§ 15. The Public Printer and Binder shall receipt to the State Librarian for all paper or other material received by him, specifying the amount, size, weight, quality, and cost of the same, as stated to him by the Librarian; and it shall be the duty of the Librarian to carefully preserve said receipts, and charge the same to the Public Printer and Binder in a book to be kept for that purpose; and in case he returns any paper or other material to the State Librarian, it shall be placed to his credit in said account-book, and the entry shall show the amount, size, quality, and cost of the paper or other material so returned, which account-book and receipts shall be examined by the committee or committees of the two Houses of the General Assembly, or either of them, at the same time they examine the other accounts of the Public Printer and Binder.

Report in full
on 1st September
of each year,
showing items,
&c.

§ 16. It shall be the duty of the Public Printer and Binder, by the first day of September in each year, to make an accurate and full report to the Governor of all printing and bind-

ing done by him for the year ending the first Monday in August next preceding, showing the same, item by item, the cost, and for what department of the State government said work was done. The same report shall also show the amount of paper used in each job of work printed by him, the kind and quality, and the cost thereof; and the total amount paid to him for printing and binding during the year, and what, if any, balance is due to said date. Five hundred copies of said report shall be printed, and delivered to the Secretary of State, who shall transmit by mail one copy to each member of the General Assembly, fifty copies shall be placed in the State Library, and the remaining copies shall be distributed by the Secretary of State under the direction of the Governor.

500 copies of report to be printed, &c.

§ 17. On the expiration of his term of office, the Public Printer and Binder shall make a settlement with the State Librarian for all paper received by him during his term of office, and shall be responsible on his official bond for any balance due the State if he fail to return the same, the usual allowance being made for unavoidable waste. Said settlement shall be approved by the Governor.

To settle with Librarian at expiration of term.

§ 18. All laws or parts of laws, so far as they are in conflict with this act, are hereby repealed; but this act shall not be construed as affecting, or in any way applying to, the Public Printer now in office.

Repealing.

§ 19. This act shall take effect from and after its passage.

Approved March 11, 1878.

CHAPTER 388.

AN ACT to provide for the erection of a monument at the tomb of Zachary Taylor.

WHEREAS, It has ever been the pride of Kentucky to show a proper appreciation of the merits of her illustrious sons, and to commemorate the achievements of her patriots, whether they be in the civil or military field; and whereas, the remains of Gen. Zachary Taylor, late President of the United States, lie buried at his old home in Jefferson county, marked by no monumental commemoration of the grand career of this honored son; and whereas, it is a duty, the performance of which should be a pleasure as well of this State as of the United States, to honor one whose whole life was an

example of devotion to his country unsurpassed in the annals of our republic, whose invaluable public services, so unselfishly rendered, embracing his brilliant successes in our Indian and Mexican wars, have immortalized his name and reflected a luster upon his State and the whole country; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of five thousand dollars be, and it is hereby, appropriated for the purpose of purchasing land immediately surrounding the grave of the late President Zachary Taylor, not to exceed one acre, including the family burying ground, to inclose the same by a substantial fence, and to erect thereon a suitable monument to his memory.

§ 2. It shall be the duty of the Governor of this Commonwealth to appoint three commissioners, whose duty it shall be to carry out the provisions of section one of this act, and also to receive any contributions which may be tendered by the soldiers of the Mexican war, or any other persons, for the purposes set forth in section one, and to forward to our Senators and Representatives a copy of this act, who are requested to solicit an appropriation from the General Government to aid in the purpose above set out.

§ 3. Upon the application of the commissioners, or any two of them, the Auditor is directed to draw his warrant upon the Treasurer in their favor for the sum appropriated by the first section of this act.

§ 4. Said commissioners shall receive no compensation for their services; and it shall be their duty to make a full and detailed report of their acts, the moneys received from whatever source, and how expended, to the next General Assembly.

§ 5. This act shall take effect from and after its passage.

Approved March 11, 1878.

CHAPTER 396.

AN ACT to aid in the erection of a monument over the grave of John C. Breckinridge.

WHEREAS, John C. Breckinridge, a native of Fayette county, Kentucky, died May 17th, A. D. 1875, in the city of Lexington, being a citizen of stainless character and a man of scrupulous

honor, whose fame and deeds are a part of the history of his State, having served his country faithfully, and with distinguished ability discharged the duties of the high offices to which he was elevated by his countrymen; and whereas, the State of Kentucky has ever taken pride in commemorating the memory and achievements of her distinguished dead; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ten thousand dollars be, and the same is hereby, appropriated, which, in addition to any sums that may be subscribed to the "John C. Breckinridge Monumental Association," shall be used in erecting a suitable monument over the grave of John C. Breckinridge.

§ 2. *Be it further enacted,* That said sum shall be paid out of any money in the Treasury not otherwise appropriated, upon the order of the Governor, who shall give said order for the same to the president and directors of said association on demand made by a majority of them.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1878.

CHAPTER 417.

AN ACT in relation to the posting of lands in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who shall knowingly trespass upon the enclosed lands of another for the purpose of shooting, hunting, fishing, or taking or interfering with orchard fruits or melons, after public notice by the owner or occupant of such lands, as provided for in the succeeding section, shall be liable to a fine of not less than five and not exceeding twenty five dollars, recoverable in the name of the Commonwealth.

§ 2. The notice referred to in the preceding section shall be given by erecting and maintaining sign-boards, at least one foot square, in at least two conspicuous places on each side of the premises or lands intended to be protected; such sign-boards to have thereon the word "posted," together with the name of the owner or occupant of the said lands or premises; and any person who shall tear down or otherwise destroy or

Notice — how
given.

Fine.

deface any such sign-board, shall be punishable by fine of not less than five nor more than twenty-five dollars for each offense.

Justice of the peace.

§ 3. Actions for the violations of the provisions of this act shall be brought in the court of the justice of the peace in whose civil district the lands or the larger part thereof lie; and actions for the recovery of penalties prescribed in this act shall be in the name of the Commonwealth, and shall be tried in the courts of the justice of the peace as actions for damages.

Appeals.

§ 4. Appeals from the judgment of the justices of the peace in all actions arising under this act shall be allowed as in other cases involving like amounts.

§ 5. This act shall take effect from and after its passage.

Approved March 13, 1878.

CHAPTER 420.

AN ACT to amend an act, entitled "An act to protect game and small birds, and punish trespass."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See 1st volume
of Acts '75-'6, p.
55.

§ 1. That section 21 of an act, entitled "An act to protect game and small birds, and punish trespass," approved March 11, 1876, be amended by making the provisions of said act apply to the county of Franklin and the county of Anderson.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1878.

CHAPTER 424.

AN ACT in relation to the Agricultural and Mechanical College of Kentucky, and to provide for the future management and location thereof.

WHEREAS, The joint committee appointed by this General Assembly to investigate the condition and relations of the Agricultural and Mechanical College, has reported recommending the severance of the connection existing between said college and the Kentucky University; and whereas, it is desirable to continue the operations of said college until the same is permanently located and established, provided satis-

factory arrangements can be effected as is hereinafter provided; and whereas, the future location, establishment, and success of said college is a matter of great and common interest to the people of the whole State, and which should be the pride and aim of every citizen having the future prosperity and welfare of the Commonwealth at heart; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act approved February 23, 1865, entitled "An act establishing the Agricultural and Mechanical College of Kentucky as one of the colleges of the Kentucky University," as establishes the Agricultural and Mechanical College of Kentucky one of the colleges of the Kentucky University, and so much of said act as places said Agricultural and Mechanical College under the control of the curators of the Kentucky University, and as allows said curators to receive the interest on the fund arising from the sale of land scrip granted to the Commonwealth of Kentucky by act of Congress, approved July 2, 1862, be, and the same is hereby, repealed, said appeal to take effect the first day of July, 1878.

§ 2. There is hereby appointed and constituted a commission, to be styled "The Agricultural and Mechanical College Commission," composed of the Lieutenant Governor of the Commonwealth of Kentucky, who shall be *ex officio* a member and the chairman of said commission, and J. M. Bigger, of the First Congressional District; James Weir, of the Second Congressional District; C. U. McElroy, of the Third Congressional District; David R. Murray, of the Fourth Congressional District; J. Lawrence Smith, of the Fifth Congressional District; H. P. Whitaker, of the Sixth Congressional District; R. A. Spurr, of the Seventh Congressional District; M. C. Sanfley, of the Eighth Congressional District; D. D. Sublett, of the Ninth Congressional District, and Richard Dawson, of the Tenth Congressional District. Said commission are hereby authorized and empowered, and it shall be their duty, to provide, if possible, for the continued operation of said Agricultural and Mechanical College, and to make such equitable and just arrangements with the authorities of Kentucky University as will secure such advantages of an interchange of students, the use of buildings, apparatus,

Commission.

To provide for the operation, &c., use of buildings, &c., until, &c., but may suspend operations.

To advertise for and receive proposals for permanent location of Agricultural and Mechanical College.

And report same to next Assembly.

May settle and adjust all differences.

Ascertain number departments of study.

land, &c., as will secure the continued existence and prosperity of said Agricultural and Mechanical College until the same is finally located and settled; and in case said commission should not be able to make such satisfactory arrangements with Kentucky University as is equitable and just, and such arrangements as will secure the best interest of the Agricultural and Mechanical College, they may suspend the operations of the Agricultural and Mechanical College until the same is finally and permanently located, as hereafter provided. Said commission are empowered, and it shall be their duty, to advertise for and receive proposals and offers from counties, towns, or cities, or non-sectarian institutions of learning, in lands, buildings, money, apparatus, &c., or either of them, for the permanent location of said Agricultural and Mechanical College; and after receiving said proposals and offers, they shall report the same to the next regular session of the General Assembly, and shall recommend that place which shall present the best and greatest inducements, all things considered; and any offer or proposal, when made to, and confirmed by, said General Assembly, shall be final and binding; and said commission, in making advertisements for the proposals, and in the reception thereof, shall make it a condition precedent that all proposals shall be binding if accepted by the General Assembly. Said commission, in effecting an arrangement for the continued operation of said Agricultural and Mechanical College until the same is permanently and finally located, or in receiving proposals for its final location, shall be empowered to adjust and settle all outstanding differences that may exist between the Agricultural and Mechanical College and Kentucky University; and if said differences are not thus adjusted, said commission may adjust and settle same in such other manner as may be just and equitable. Said commission are also empowered to take such steps as may best further the interest of said Agricultural and Mechanical College, and secure its successful management and operation, not inconsistent with the provisions of this act.

§ 3. Said commission shall ascertain the number of departments of study necessary for the effective operation of a first-class State University, such as the geographical condition of the Commonwealth, her agricultural and mineral resources,

her influence and dignity, require to be constituted for the education of her sons; the plan of organization, salaries of professors and instructors, the plan, cost, and equipment of college buildings, experimental farm, mechanical department, horticultural department, laboratories, museums, and cabinets, and to report the same to the next regular General Assembly.

Salaries, plan, cost, and equipments, and report.

§ 4. Said commission shall determine how many of its number shall constitute a quorum (which shall not be less than a majority) for the transaction of business, when and where their sittings shall be held, with all other matters competent to the discretion of committees; and it shall be the duty of the said chairman to call a meeting of said commission for the transaction of business, or a meeting thereof may be called on the notice of any three of the members thereof. If any member of said commission herein appointed fails to notify the Governor of his acceptance of the position or commission by the 1st of April, 1878, the Governor shall appoint some resident of the Congressional district of the member so failing to supply the vacancy; and if a vacancy should occur from any cause, or any member should fail to act, the Governor shall fill the same as above provided, and notify the person so appointed.

Commission to determine quorum; when and where sittings to be.

Three may call.

Vacancy—how filled.

§ 5. Should there be a continuance of said Agricultural and Mechanical College, as contemplated by the provisions of this act, the board of visitors, or their successors in office, are hereby empowered to manage the affairs of the Agricultural and Mechanical College, under such agreement as may be effected by the commission, until the next General Assembly shall determine location and a permanent form of government therefor, with full powers to employ and remove professors, officers, and instructors, for just cause; to fill vacancies; to fix salaries; decide the limits within which student labor may be employed; its character, extent, and compensation, within the limits of the income of said college; establish the rates of tuition, and perform all such other duties as in their judgment may be required for the successful operation of said college.

Board of Visitors—duties and powers.

§ 6. Itemized accounts of the expenses of the said commission, and of the board of visitors, and of the members thereof, legitimately incurred in the discharge of the duties

Expenses of Commission.

imposed by this act, shall be approved by the chairman of the said commission and board of visitors, respectively, and shall be filed in the office of the Auditor of Public Accounts, which shall be authority to, and it shall be the duty of, the Auditor to draw his warrant on the Treasurer in favor of the person or persons entitled thereto for the sums so approved in payment thereof.

§ 7. Provided the said commission shall make satisfactory arrangement for the continuance of the Agricultural and Mechanical College, as provided in section two, they shall notify the board of visitors, and said board shall appoint some one as treasurer of said Agricultural and Mechanical College, who, before he enters upon the discharge of the duties of his office, shall take an oath to faithfully discharge the duties of said position, and shall enter into bond, with good security, to be approved by said board of visitors, in the penal sum of \$10,000, payable to the Commonwealth, and conditioned that he will faithfully discharge his duties as such, and that he will faithfully keep and rightfully disburse all moneys that may come to his hands as such treasurer; said bond, when taken and approved by said board of visitors, shall be forwarded to the Governor for safe-keeping. It shall be the duty of said treasurer, when appointed and qualified, to receive from the Auditor of Public Accounts his warrant on the Treasurer for the interest on the fund of the Agricultural and Mechanical College, as it falls due on January 1, 1879, and as it falls due thereafter until July 1, 1881, and to receive any other sums that may be due said Agricultural and Mechanical College, for tuition or otherwise; and it shall be his duty to pay out of said fund the salaries of professors, tutors, and such items of expense as are incurred on behalf of said college. All accounts shall be itemized and certified to by the persons claiming payment, and shall be indorsed approved by the chairman of the board of visitors; and said treasurer shall pay no account or charge against said Agricultural and Mechanical College, unless it is so itemized, certified, and approved. He shall keep an accurate and full account of all moneys that come to his hands, and of all moneys that are paid out, to whom paid, when and for what purposes, and shall also keep all accounts paid off by him; and the board of visitors shall, on the first day of July of each year, make a settlement with said treasurer, and ex-

Appointment of
treasurer.

Oath and bond.

Conditions of
bond.

Duty of treas-
urer

His pay.

amine his books and vouchers and test their correctness. He shall receive for his services a sum to be fixed by the board of visitors, not exceeding \$300 per annum.

§ 8. The said Agricultural and Mechanical College shall forever remain a State institution, free from all ecclesiastical entanglements or control; and, in addition to its present endowment fund, realized under and by virtue of an act of Congress of the United States distributing public lands, or the proceeds of the sales thereof, said institution shall have for further endowment all other sums of money hereafter received by this Commonwealth under or by virtue of said act of Congress distributing public lands, or the proceeds of the sales thereof, or under any future act of Congress for the same purposes.

To be forever free from all ecclesiastical control.

Further endowment.

§ 9. It is expressly understood that the members of said commission and of said board of visitors are to perform the duties imposed by this act without compensation.

Commission & visitors to receive no compensation.

§ 10. This act shall take effect from and after its passage.

Approved March 13, 1878.

CHAPTER 430.

AN ACT to amend section 3, article 2, chapter 33, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3, article 2, chapter 33, be amended by inserting after the word "establish," in the first line of said section, the words "alter, divide, increase, or decrease."

See Gen. Stat., P. 376.

§ 2. This act shall take effect from its passage.

Approved March 14, 1878.

CHAPTER 433.

AN ACT to change the time of holding the criminal courts in the sixth district and Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the criminal courts in the sixth judicial district and Taylor county be, and the same are changed, and the said courts be held as follows, viz:

Taylor. In Taylor county, commencing the first Mondays in January and July, and continue six judicial days.

Green. In Green county, commencing the second Mondays in January and July, and continue twelve judicial days.

Hart. In Hart county, commencing on the fourth Mondays of January and July, and continue twelve judicial days.

Metcalfe. In Metcalfe and Allen counties, as now fixed by law, and continuing twelve judicial days in Metcalfe and six days in Allen.

Adair. In Adair county, commencing on the second Mondays in March and September, and continue twelve judicial days.

Clinton. In Clinton county, commencing the first Mondays in April and October, and continue twelve judicial days.

Cumberland. In Cumberland county, commencing on the third Mondays in April and October, and continue twelve judicial days.

Monroe. In Monroe county, commencing on the third Mondays in May and November, and continue twelve judicial days.

Barren. In Barren county, commencing on the second Mondays in June and December, and continue eighteen judicial days.

§ 2. That all bench warrants, forfeitures, bail bonds, and other process made returnable in said courts at other times than the times fixed by this act, be, and the same are, made returnable at and for the times now fixed by this act.

All writs returnable to times above fixed.

§ 3. That this act take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 441.

AN ACT to provide for the sale and conveyance of the inchoate right of dower of married women who are confirmed lunatics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a married woman may be a confirmed lunatic, the circuit court, or any chancery court of the county in which is situated land belonging to the husband of any such woman, may, upon the petition of her husband, adjudge the sale and conveyance of the inchoate right of dower of such married woman.

Right of dower may be sold.

§ 2. The wife of such husband shall be made a defendant to such petition, and if she have a committee, her committee shall also be made defendant to such petition. If she have

Defendants.

no committee, the court shall appoint an attorney of said court to defend for her, and it shall be the duty of such attorney to carefully guard and protect her rights in the premises. The court shall make such attorney a suitable allowance for his services, to be paid by the husband.

Duty of attorney and his allowance.

§ 3. A description of such land shall be given in said petition, and the husband's evidence of title to the same shall be filed with the petition. If the court be satisfied, by allegation and proof, that such wife is a confirmed lunatic, it may adjudge the sale and conveyance of her inchoate right of dower in such land. If she have a committee, the court may direct that he unite with her husband in a deed or deeds conveying said land. If she have no committee, the court shall appoint a commissioner to unite with the husband in such deed. A deed executed by the husband and such committee, or by the husband and such commissioner, shall pass such inchoate right to dower. Before any judgment shall be rendered in pursuance of the provisions hereof, the husband shall, before said court, execute, with sufficient surety, a covenant to the Commonwealth, for the benefit of his wife, that she shall be paid the value of her inchoate right of dower in said land, should such right thereafter become complete, and to perform all orders of the court in the premises. Such covenant and surety shall be approved by the court.

Description of land to be given.

Conveyance.

Covenant to be executed before judgment.

§ 4. This act shall take effect upon its passage.

Approved March 14, 1878.

CHAPTER 444.

AN ACT to amend chapter 109 of the General Statutes, title "Treasury Warrant Claims."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That chapter 109 of the General Statutes, title "Treasury Warrant Claims," be so amended that a plat and certificate shall be assignable, and the assignment thereon shall authorize a patent to issue thereon to the assignee.

Gen. Stat., p. 813.

§ 2. That all plats and certificates heretofore made, which have been, or may hereafter be, assigned, and upon which a patent has not been issued, the same shall be received by the Register on the payment of the statutory fees, and the patents

issue thereon, as required by law, to the assignee: *Provided*, That nothing in this act shall be construed to authorize a patent to issue to any one for more than two hundred acres of land in the same county in the same year.

§ 3. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 448.

AN ACT to fix the time of holding the circuit, chancery, and criminal courts in the twelfth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit, chancery, and criminal courts in the twelfth judicial district shall be held as follows:

Kenton circuit. § 2. Kenton circuit court, at Covington, commencing on the first Monday in January, third Monday in May, and first Monday in September, each term twenty-four juridical days, if business requires.

At Independence, first Monday in February and second Monday in August, each term twelve juridical days, if business requires it.

Kenton chancery § 3. Kenton chancery court, at Covington, commencing first Monday in February and June, and third Monday in October, the February and October terms each twenty-four juridical days, and the June term twelve juridical days, if business requires.

Kenton criminal. § 4. Kenton criminal court, at Covington, commencing third Monday in February, August, and November, and first Monday in May, each term to be twelve juridical days, if business requires.

Campbell circuit. § 5. Campbell circuit court, at Newport, to commence third Monday in February, June, and October, the February term to hold eighteen juridical days, and the June and October terms each twelve juridical days, if the business requires it.

At Alexandria, to commence second Monday in March and fourth Monday in November, the March term to be ten juridical days, and the November term six juridical days, if business requires it.

Campbell chancery. § 6. Campbell chancery court, at Newport, to commence on the first Monday in January, May, and September, the Janu-

any term to hold eighteen juridical days, and each of the others twelve juridical days, if business requires it.

§ 7. Campbell criminal court, at Newport, to commence on fourth Monday in January, third Mondays in May and September, each term to hold twelve juridical days, if business requires. Campbell criminal.

§ 8. Bracken circuit courts to commence the first Monday in April and October, and to hold, each term, twelve juridical days, if business requires it. Bracken circuit.

§ 9. Bracken chancery courts to commence on third Monday in April and September, each term to hold twelve juridical days, if business requires it. Bracken chancery.

§ 10. Bracken criminal courts to commence on third Monday in March and October, March term to hold six juridical days, and October term twelve juridical days, if business requires it. Bracken criminal.

§ 11. Robertson circuit courts to commence on fourth Monday in March and first Monday in November, each term to hold six juridical days, if business requires it. Robertson circuit.

§ 12. Robertson chancery court to commence on third Mondays in March and November, each term to hold six juridical days, if business requires it. Robertson chancery.

§ 13. Robertson criminal courts to commence on the third Monday in April and second Monday in November, each term to hold six juridical days, if business requires it. Robertson criminal.

§ 14. Pendleton circuit courts to commence on the third Monday in April and second Monday in November, and each term to hold twelve juridical days, if business requires it. Pendleton circuit.

§ 15. Pendleton chancery courts to commence on the first Mondays in April and October, and each term to hold twelve juridical days, if business requires it. Pendleton chancery.

§ 16. Pendleton criminal courts to commence on the first Mondays in March and September, and each term to hold twelve juridical days, if business requires it. Pendleton criminal.

§ 17. Harrison circuit courts to commence on the first Monday in May and second Monday in December, each term to hold twelve juridical days, if business requires it. Harrison circuit.

§ 18. Harrison chancery courts to commence on third Monday in May and fourth Monday in November, each term to hold twelve juridical days, if business requires it. Harrison chancery.

§ 19. Harrison criminal courts to commence on the first Monday in April and October, each term to hold twelve juridical days, if business requires it.

Harrison criminal.

§ 20. This act shall take effect and be in force from and after the first day of August, 1878.

Approved March 14, 1878.

CHAPTER 453.

AN ACT to establish the boundary line between the States of Indiana and Kentucky above and near Evansville, and to confirm the report of the commissioners running the same.

Boundary between Kentucky and Indiana established.

WHEREAS, The General Assembly of the Commonwealth of Kentucky passed an act, entitled "An act to fix and determine the boundary line between the States of Indiana and Kentucky above and near Evansville," approved April 21st, 1873, and afterwards, in conformity with, and in pursuance of, the provisions of said act, D. N. Walden, of the county of Henderson and State of Kentucky, was, by the Governor of Kentucky, duly appointed a commissioner to do the acts therein specified; and whereas, the General Assembly of the State of Indiana passed an act, entitled "An act to ascertain the location of the boundary line between the States of Indiana and Kentucky above and near Evansville, and making the same evidence in any dispute, and declaring an emergency," approved February 27, 1875; and afterwards, in conformity with, and in pursuance of, the provisions of said last mentioned act, Aug. Plaffin, of the city of Evansville and State of Indiana, was, by the Governor of Indiana, duly appointed a commissioner to do the acts therein specified and required to be done; and whereas, said commissioner reported that, in pursuance of said acts, and the commissions issued to them thereunder, they run the said boundary line and made the survey in the manner and form required by said acts; and in running said line, they were governed by the survey originally made by the government of the United States in the year 1806; and that they have established proper monuments along the line of said survey, whereby the same may be plainly indicated; and that, within ten days after said survey, the said commissioners reduced to writing said survey, describing the metes and bounds and land-marks, and signed and acknowledged the same before S. Sormson,

clerk of the Vanderburg circuit court of the State of Indiana; and that the said surveys have been filed and recorded in the office of the clerk of the Henderson county court, and in the auditor's office of Vanderburg county, Indiana; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the report of the said commissioners be, and the same is hereby, ratified and confirmed; and that the said boundary line which divides the counties of Henderson, in the State of Kentucky, and Vanderburg, in the State of Indiana, be, and is, established as follows, viz: Beginning at a stake on the bank of the Ohio river, on the south line of fractional section fourteen, township seven, south of range ten, west of the second meridian, opposite the mouth of Green river; thence north 82° west 14.00 chains to a stake; thence north 73° west 5.50 chains to a stone marked "M," on the section line dividing fractional sections 14 and 15, 67.57 chains south of the section corner 10, 11, 14, 15, and 0.82 chains north of a sycamore 24", on the bank of the Ohio river; thence north $61\frac{1}{4}^{\circ}$ west 3.56 chains to a stone; thence north $43\frac{1}{4}^{\circ}$ west 10.25 chains to a stone; thence north $47\frac{1}{4}^{\circ}$ west 18.50 chains to a stone; thence $54\frac{1}{4}^{\circ}$ west 22.75 chains to a stone; thence north $68\frac{1}{4}^{\circ}$ west 19.00 chains to a stone; thence north $67\frac{1}{4}^{\circ}$ west 20.50 chains to a stone marked "N," on the section line dividing fractional sections 15 and 16, 15.81 chains south of the section corner 9, 10, 15, 16, mulberry (10" old tree), south 66° west 4 links; thence north $71\frac{1}{2}^{\circ}$ west 7.90 chains to a stone; thence north $62\frac{1}{2}^{\circ}$ west 6.31 chains to a stone; thence north $58\frac{1}{2}^{\circ}$ west 20.00 chains to a stone marked "O," on the section line dividing fractional sections 9 and 16, 29.67 chains west of the section corner 9, 10, 15, 16, sycamore 88" south $37\frac{1}{2}^{\circ}$ east 140 links, sycamore 72" north $84\frac{3}{4}^{\circ}$ west 115 links; thence north $61\frac{3}{4}^{\circ}$ west 4.53 chains to a stone; thence north $62\frac{1}{2}^{\circ}$ west 10.00 chains to a stone; thence north 62° west 34.00 chains to a stone; thence north 57° west 10.00 chains to a stone marked "P," on the section line dividing fractional sections 8 and 9, 50.00 chains south of section corner 4, 5, 8, 9; thence north 57° west 13.84 chains to a stone; thence north 54° west 10.00 chains to a stone; thence north $52\frac{1}{4}^{\circ}$ west 10.66 chains to a stone; thence north 47° west 35.00 chains to a stone; thence north 41° west 7.12 chains to a stone marked "Q," on the section line divid-

Commissioners' report ratified.

Mets & bounds, &c.

ing fractional sections 5 and 8, 58.39 chains west of the section corner, 4, 5, 8, 9, stump of an old tree (maple), sycamore 56" north $77\frac{1}{2}^{\circ}$ east 29 links, elm 49" north 4° east 76 links; thence north 39° west 10.00 chains to a stone; thence north 37° west 9.00 chains to a stone; thence north 34° west 10.00 chains to a stone; thence north 32° west 8.48 chains to a stone marked "R," on the section line dividing fractional sections 5 and 6, 52.92 chains south of the section corner 5, 6, 31, 32 (B), maple, 45" north 52° west $38\frac{1}{2}$ links; thence north 31° west 13.68 chains to a stone; thence north 29° west 10.91 chains to a stone; thence north $26\frac{3}{4}^{\circ}$ west 10.75 chains to a stone; thence north $24\frac{1}{2}^{\circ}$ west 13.78 chains to a stone; thence north $15\frac{1}{4}^{\circ}$ west 9.85 chains to a stone marked "A," on the township line dividing townships 6 and 7, south of range 10, west of the second meridian, old tree standing (elm); thence north 12° west 4.00 chains, opposite the foot of Green River Island, it being the same line, in all respects, as run and established by said commissioners.

Survey conclusive evidence.

§ 2. That the said survey, or a copy duly certified by the clerk of the Henderson county court, shall be conclusive evidence of the said boundary line so run, dividing said Island, so called, from the State of Indiana, in any of the courts of this State.

§ 3. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 459.

AN ACT for the further propagation of food-fishes in the waters in this Commonwealth.

WHEREAS, The General Assembly, by an act approved March 20th, 1876, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky;" and whereas, the commissioners appointed under the provisions of the said act have proceeded to stock the waters of this Commonwealth, as far as practicable, with fish; and whereas, the said commissioners, as shown by their report, are of the opinion that a further prosecution of the enterprise will result in great benefit to the people of this State, by reason of supplying them with a cheap and wholesome article of food; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of three thousand dollars be, and is hereby, appropriated for the furtherance of this object, said amount to be used in the same manner as prescribed in section first of the above-named act, approved March 20th, 1876.

\$3,000 appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 494.

AN ACT to establish a State Board of Health, to provide for the appointment of Local Boards of Health, and a Superintendent of Vital Statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a board is hereby established, which shall be known under the name and style of the "State Board of Health." It shall consist of seven members, as follows: six members, who shall be appointed by the Governor, with the consent of the Senate, and a secretary, as provided in section four of this act. The six members first appointed shall be so designated by the Governor that the term of office of two shall expire every two years, on April 1st; thereafter the Governor, with the consent of the Senate, shall biennially appoint two members, to hold their offices for six years, ending April 1st. Any vacancy in said board may be filled, until the next regular session of the Legislature, by the Governor.

Board of seven members.

Term of office.

Vacancy.

§ 2. The State Board of Health shall have the general supervision of the interests of the health and life of the citizens of this State; shall study the vital statistics of this State, and endeavor to make intelligent and profitable use of the collected records of deaths and sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemics; the causes of mortality, and the effects of localities, employment, conditions, food, water supply, habits, and circumstances on the health of the people. They shall, when required, or when they deem it best, advise officers of the government, or with other State Boards, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building. They

Duty of board.

Books. shall, from time to time, recommend standard works on the subject of hygiene for the use of the schools of the State.

§ 3. The board shall meet semi-annually at Frankfort, and at such other places and times as they may deem expedient. A majority shall be a quorum for the transaction of business. They shall choose one of their number to be their president, and may adopt rules and by-laws, subject to the provisions of this act. They shall have authority to send their secretary or a committee of the board to any part of the State, when deemed necessary, to investigate the causes of any special or unusual disease or mortality.

§ 4. At their first meeting the board shall elect a secretary, who shall, by virtue of such election, become a member of the board, and its executive officer. The board may elect one of their own number secretary, in which case the Governor shall appoint another member to complete the full number of the board.

§ 5. The secretary shall hold his office so long as he shall faithfully discharge the duties thereof; but may be removed, for just cause, at a regular meeting of the board, a majority of the members voting therefor. He shall keep his office at Frankfort, and shall perform the duties prescribed by this act, or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents, and other property belonging to the board, which may be deposited in his office; shall, so far as practicable, communicate with other State Boards of Health, and with the local boards within his State; shall keep on file all reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall, so far as possible, aid in obtaining contributions to the library of the board. He shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the local boards throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and, through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people. Also, he shall supply, on demand, to the local boards of health, reliable vaccine virus for the gratuitous vaccination of the poor.

§ 6. The secretary shall receive an annual salary, which shall be fixed by the State Board of Health. The board shall quarterly certify the amount due him, and, on presentation of said certificate, the Auditor shall draw his warrant upon the Treasurer for the amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

Salary of secretary.

Traveling expenses.

§ 7. The sum of twenty-five hundred dollars per annum, or so much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, which shall not exceed the sum hereby appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

\$2,500 to pay salary and expenses.

How paid.

§ 8. It shall be the duty of each county court to appoint, for their respective counties, a local board of health, which board shall consist of three members, one of whom must be a practicing physician in good standing.

County courts.

§ 9. The local boards shall make such regulations respecting nuisances, sources of filth, the disposal of infected clothing, &c., and the removal of the causes of diseases generally, as they shall judge necessary for the public health and safety. They shall make a special report to the State Board of Health whenever they deem it expedient, or when required by the State Board so to do.

Regulate nuisances, &c., and report to State Board.

§ 10. The secretary of the State Board of Health shall be the Superintendent of Vital Statistics. Under the general direction of the Auditor, he shall collect these statistics, and prepare and publish the report required by law relating to births, deaths, and marriages.

Superintendent of Vital Statistics

§ 11. The State Librarian shall provide a suitable room for the meetings of the board at Frankfort, and office room for its secretary.

State Librarian rooms.

Approved March 16, 1878.

CHAPTER 508.

AN ACT to repeal an act, entitled "An act to amend chapter 92, title 'Revenue and Taxation,' General Statutes," and re-enact the provisions of the General Statutes repealed thereby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Gen. Stat.,
pp. 976-7-8-9
983, B. & F.'s.

§ 1. That an act, entitled "An act to amend chapter 92, title 'Revenue and Taxation,' General Statutes," approved February 23d, 1874, be repealed, and all provisions of the General Statutes repealed or amended by said act be, and the same are hereby, re-enacted.

§ 2. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 515.

AN ACT to amend an act, entitled "An act to establish a criminal court for the counties of Daviess, Hancock, Ohio, Meade, Breckinridge, and Grayson," approved February 23, 1876, so as to include Hardin county, and to rearrange the time of holding court in several of said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Hardin put in.

§ 1. That an act, entitled "An act to establish a criminal court for the counties of Daviess, Hancock, Ohio, Meade, Breckinridge, and Grayson," approved February 23, 1876, be, and the same is, amended by striking out of the first section thereof the words which are included in brackets, viz: "except as to the county of Hardin," and by striking out of the fourth section thereof the words which are in brackets, viz: "except Hardin county."

§ 2. That section five be amended so that it reads as follows: The regular terms of said criminal court shall be held as follows:

Daviess.

In the county of Daviess, in the city of Owensboro, commencing on the fourth Monday in August and February, and to continue twenty-four judicial days.

Ohio.

In the county of Ohio, at Hartford, commencing on the fourth Monday in September and March, and to continue twelve judicial days.

Hardin.

In the county of Hardin, at Elizabethtown, commencing on the second Monday in October and April, and to continue eighteen judicial days.

In the county of Grayson, at Leitchfield, commencing on the third Monday in November and May, and to continue twelve judicial days. Grayson.

In the county of Breckinridge, at Hardinsburg, commencing on the first Monday in December and June, and to continue twelve judicial days. Breckinridge.

In the county of Meade, at Brandenburg, commencing on the third Monday in December and June, and continue twelve judicial days. Meade.

In the county of Hancock, at Hawesville, commencing the first Monday in November and May, and continue twelve judicial days; but nothing herein shall be construed to require the court to continue any term longer than the business requires. Hancock.

§ 3. *Provided*, That the time of holding the next term of the several courts, as fixed by the original act, shall not be changed by this act: *Provided*, That the first term of Hardin county criminal court shall be held on the second Monday in October, 1878. No change of next term after this bill.

§ 4. The Hardin circuit court, at its August term, 1878, shall cause jurors to be selected in the same manner required by law for the first term of the criminal court for said county, and take all bail bonds and recognizances in criminal and penal prosecutions for the appearance of parties and witnesses to the October term of the criminal court for said county; and all examining courts in Hardin county shall, after this act takes effect, take all bail and peace bonds and recognizances returnable to the criminal court aforesaid; and after the August term, 1878, of the Hardin circuit court, the clerk thereof shall transfer all criminal and penal causes from the docket of the circuit court to the docket of the criminal court, as directed for other counties in section (3) three of the original act; and the criminal judge elected under the original act shall hold the criminal court for Hardin county. Jurors.
Bail, &c., to be to October term.
Transfer of causes.

§ 5. This act shall take effect from its passage.

Approved March 16, 1878.

LAWS OF KENTUCKY.

CHAPTER 552.

AN ACT in relation to the construction of railways and railway bridges in the valley of the Big Sandy river and tributaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no railway company, corporation, person or persons, that now have authority, or may by organization acquire authority, by or under any act or acts of the General Assembly of this State, to construct a railway in the valley of the Big Sandy river, or upon or across its tributaries, shall have or exercise the right to erect, construct, or operate a railway, running upon a line parallel with said river, or the general course of the valley thereof, or to erect, construct, or operate any railway bridge across said Big Sandy river, or across the Tug Fork of said river, under or by authority given in any such act or acts, unless said railway shall be commenced at some point within the State of Kentucky, and shall be constructed and wholly within this State.

§ 2. That the authority granted by any act or acts of the General Assembly of this Commonwealth to any person or persons, or corporation, to construct a railway within the valley of the Big Sandy river or its tributaries, and running, as indicated in the first section of this act, or to construct railway bridges over said river or the Tug Fork thereof, and all authority, rights, privileges, or franchises granted by any such act or acts, shall not be exercised or enjoyed, unless the railway company, corporation, person or persons, shall comply in all respects with the provisions, terms, restrictions, and conditions set forth in the first section of this act; and the failure to comply with the requirements of this act shall forfeit and make void all rights, grants, privileges, or franchises given or granted by any such act or acts.

§ 3. This act shall take effect from its passage.

Approved March 22, 1878.

CHAPTER 566.

AN ACT to fix the terms and regulate the jurisdiction and proceedings of the Kenton circuit court at Independence, in the 12th judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts or parts of acts authorizing or requiring the holding of the criminal court at Independence, in Kenton county, be, and the same is hereby, repealed. No courts at Independence.

§ 2. The circuit court of said county, at Independence, shall have exclusive chancery, common law, and criminal jurisdiction of all actions and proceedings now pending, or which shall hereafter be commenced, brought, or instituted under existing laws in the county of Kenton outside the city of Covington, and outside the first magisterial district, being the district in which Ludlow is situated: *Provided*, That nothing in this act contained shall change or alter the provisions of an act, entitled "Act act defining the duty of the sheriff and other officers executing an original process in Kenton county," approved February 28, 1876. Exclusive jurisdiction.

§ 3. The circuit court judge of the twelfth judicial district shall be required to hold the terms of the court in this act required, except as hereinafter provided. Circuit judge

§ 4. The chancellor or judge of the criminal court in said twelfth judicial district may hold the terms of said circuit court required to be holden under the provisions of this act, or may prescribe for the trial of any action pending therein, if the circuit court judge be absent or cannot properly preside in case neither the chancellor, circuit judge, or criminal judge be present; or if all be incompetent to preside, an election of a special circuit judge to try any particular case or cases may be held in the manner now prescribed by law for the election of special judges in the circuit courts. Chancellor and criminal judge.

Election of special judge.

§ 5. All the general laws of this State relating to circuit courts are hereby made applicable to the said circuit court at Independence.

§ 6. The regular terms of said court shall be held on the first Monday in February and second Monday in August in each year, and continue twelve juridical days at each term, if the business requires it. The said court may extend any of its terms, if the business shall require it, by making an order to that effect on the record at a regular term while in

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session: *Provided*, Said extension does not interfere with the regular terms in any other county in said twelfth judicial district.

§ 7. The regular terms of said court may be changed by the court by an order entered of record, to take effect more than sixty days thereafter.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

CHAPTER 575.

AN ACT to regulate and make uniform the rate of tolls on incorporated turnpikes, gravel and plank roads, in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Gen. Stat., pp.
507-51, R. & F. S.

§ 1. That the rate of tolls on all turnpikes, gravel and plank roads, in this Commonwealth, incorporated since the year 1856, shall hereafter be regulated by subsection 3, of section 3, of chapter 110, of the General Statutes.

§ 2. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 3. That this act shall take effect from its passage.

Approved March 19, 1878.

CHAPTER 576.

AN ACT to declare Quicksand creek a navigable stream from its mouth to the mouth of the Spring Fork.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Quicksand creek, in Breathitt county, be, and the same is hereby, declared a navigable stream from its mouth to the mouth of the Spring Fork of said creek.

§ 2. This act shall take effect and be in force from its passage.

Approved March 19, 1878.

CHAPTER 609.

AN ACT to amend an act, entitled "An act to amend section 2, article 8, chapter 92, of the General Statutes," approved February 14, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend section 2, article 8, chapter 92, of the General Statutes," approved February 14, 1878, be, and the same is hereby, so amended as to apply to the collection of the county levy of Clay county in the same manner as in the collection of the revenue of said county.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1878.

CHAPTER 647.

AN ACT to amend section 2, article 13, chapter 28, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2, article 13, of chapter 28, of the General Statutes, be amended by striking out one hundred dollars and inserting in lieu thereof two hundred dollars.

See Gen. Stat.,
p. 300, B. & F.'s.

§ 2. The provisions of this act shall not apply to the city of Covington nor the counties of Mason, Jefferson, Fayette, Carroll, Taylor, Campbell, Montgomery, Clay, Perry, Letcher, Harlan, Martin, Magoffin, Breathitt, Lee, Wolfe, Menifee, Johnson, Owsley, Powell, Anderson, Franklin, Mercer, Henry, Clark, Owen, Daviess, Oldham, and Trimble.

§ 3. That this act shall take effect from its passage.

Approved March 26, 1878.

CHAPTER 656.

AN ACT to amend an act, entitled "An act for the appointment of official reporters, and for the preservation of evidence in certain cases," approved March 1st, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the appointment of official reporters, and for the preservation of evidence in cer-

tain cases," approved March 1st, 1872, be, and the same is hereby, amended as follows: the judges named in said act shall each have power to appoint any number of official phonographic reporters they deem necessary to serve in the respective courts over which they each preside, who shall possess the qualifications and be subject to all the other provisions and requirements as prescribed in said act.

§ 2. Any of the judges named in said act are hereby vested with full power and authority to remove at pleasure any or all of said reporters, and drunkenness, neglect of duty, incompetency, excessive charges, the conviction of any crime or misdemeanor, and absence from the county for more than thirty days, shall be cause for such removal; and when information on oath shall be given before any one of said judges that any of such reporters have been guilty of such conduct or offense, he shall cause notice thereof to be given to such reporter or at his last known place of business, and proceed to hear and decide the matter in a summary way, after affording reasonable opportunity for procuring witnesses or taking depositions; and if, after the hearing, said judge shall be of opinion that the reporter has been guilty of the misconduct or offenses aforesaid, or either of them, said judge shall at once cause an order to be entered of record upon the records of the court in which he presides removing said reporter from office, and shall cause the same to be certified to the other courts, and by them, in like manner, entered of record, and thereupon such reporter shall cease to act.

§ 3. At the time of his appointment, each reporter shall designate a place in the city of Louisville at which he will keep his office; and the fees to be allowed such reporters, in the absence of an express agreement, shall in no case exceed five dollars per day (instead of ten dollars per day, as heretofore allowed) for phonographic report, and twenty cents per page of one hundred words for transcribing the same (instead of twenty-five cents per page, as heretofore allowed).

§ 4. All parts of said act inconsistent with this amendment are hereby repealed; and this act shall take effect from its passage.

Approved March 26, 1878.

CHAPTER 659.

AN ACT to legalize certain wild cat and fox scalp certificates issued by county court clerks.

WHEREAS, By an act approved March 18, 1876, it was made the duty of circuit court clerks of this Commonwealth to issue fox and wild cat scalp certificates; and whereas, many county court clerks, whose duty it was prior the passage of said act to issue said certificates, did continue to issue said certificates for some time after the passage of said act, not knowing it had passed; and whereas, said certificates so issued are illegal, and the Auditor refuses to allow the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said certificates so issued within three months after the passage of the aforesaid act be, and the same are hereby, declared to be legal and valid, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury for the payment of same: *Provided*, That said certificates shall have been first presented to the circuit court of the county wherein the same were issued, and shall have been ordered to be certified to the Auditor for payment by said court.

See Gen. Stat.,
p. 852, B. & F.'s.
Act of March 18,
1876.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1878.

CHAPTER 663.

AN ACT to prohibit granting license to coffee-house, saloon, tavern, or tippling-house to sell spirituous, vinous, or malt liquors, or mixtures of either,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter no coffee-house, saloon, tavern, or tippling license shall be granted to any person or persons, granting them the privilege of selling spirituous, vinous, or malt liquors, or mixtures of either, within the limits of Fulton county.

§ 2. That all acts and parts of acts, general or special, authorizing the granting and issuing of said license by State,

county, city, or town, or officers of either, in conflict with the above, is hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

§ 4. The county judge of Fulton county shall order an election to be holden at each voting place in Fulton on the first Saturday in May, 1878, and appoint the officers thereof to hold the same, at which election the following questions shall be submitted to each qualified voter of Fulton county offering to vote: "Are you for tippling license?" or are you "Against tippling license?" said election to be held and returns made, result ascertained and announced, as in the election of county officers; but, before the vote is taken, notices of election shall be given by the sheriff of Fulton county by posting written or printed notices of the same at the several voting precincts in said county, and by publication of this act and said notice in the Hickman Courier and Fulton Times for at least twenty days next preceding the day of election. If a majority of the votes cast at said election shall be "for tippling license," then this act shall cease and be of no effect and force.

Approved March 29, 1878.

CHAPTER 666.

AN ACT to establish the county of Leslie.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the 15th day of April, 1878, so much of the counties of Perry, Clay, and Harlan as are included in the following boundary is hereby erected into and established a separate county, to be known as the county of Leslie, to-wit: Beginning at the mouth of the creek commonly known as "Hell-for-Sartin," in the county of Perry; thence up the ridge below the mouth of said creek to the top of the same, between the waters of the South Fork and Middle Fork of Kentucky river, at or near the head of Leatherwood and one fork of Bull Skin creek, being on the line of Clay and Perry counties; thence a straight line, or nearly so, across Bull Skin creek, at the lower end of Pollis Bowlin's farm; thence a straight line to the top of the ridge

Boundary.

at the head of Ulysses creek, a fork of Big creek; thence to the top of the divide at the lower side of Bear branch, waters of Big creek, so as to include Farmer Roberts; thence a straight line to the upper end of the farm upon which Isaac M. Collins resides, on Sugar creek, waters of Redbird creek; thence a straight line to Gilbert's creek, at the upper end of John Sizemere's farm; thence a straight line to the mouth of Flat creek; thence with the main Redbird creek to the mouth of Jack's creek; thence up the dividing ridge between Redbird creek and Jack's creek to the point thereof; thence down said point to about one quarter of a mile from the residence of Josiah Asher, at the mouth of Phillips' branch, a fork of Redbird creek; thence direct across to the Bell county line, to the head of the Middle Fork of Kentucky river; thence with the dividing ridge between Straight creek and said Middle Fork to the head of the Rocky branch and Laurel creek, waters of the Middle Fork of Kentucky river, so as to include Solomon Buckhart's; thence a straight line to the mouth of Dixin's branch on Greasy Fork, so as to include Giles French and James Naper; thence up the ridge above the said Dixin's branch to the Perry county line; thence with the dividing ridge between the North Fork of Kentucky river and Catskin creek, waters of the Middle Fork of said river, to the head of the Grassy branch, waters of said Middle Fork; thence a straight line to the beginning.

§ 2. That George Turner, of the county of Harlan, Stephen Gibson, of the county of Clay, and John Baker, of the county of Perry, be, and they are hereby, appointed commissioners, to locate the county seat of Leslie county, who shall meet at the house of John Lewis, at the mouth of Rockhouse, on the fourth Monday of May, 1878; and after being duly sworn, shall select a suitable place for the county seat of said county, whereon to erect the court-house and other public buildings for said county, and make out, in writing, the boundary of said place so selected for said purpose, forward a copy thereof to the Secretary of State, deliver one copy to John Lewis, and retain one copy in their possession until a county court clerk is elected and qualified for said county, when said commissioners shall deliver the same to said clerk, who shall record the same in the order-book of the county court of said county.

Justices' districts. § 3. That the six justices' districts, as they now stand in the portions of the counties of Perry, Harlan, and Clay, out of which the county of Leslie is hereby formed, shall remain as they now are, and be the six justices' districts for the county of Leslie; and the justices of the peace and constables of said district shall hold their respective offices, as officers of Leslie county, until the next regular election for such officers, at which election, when justices of the peace and constables shall be elected in said districts, as now required by law, at the several places of voting in said districts, unless changed by law, and hold their courts, as may be directed by the county court of Leslie county.

Election for officers. § 4. An election shall be held in said county on the first Monday of August next for the election of circuit court clerk, county court clerk, a presiding judge of said county court, sheriff, jailer, coroner, assessor of tax, and county attorney, and two justices of the peace and one constable in each justices' district in said county, as hereinbefore provided. The persons who act as sheriff of the election shall meet at the house of John Lewis on the third day after the election, and carefully compare the polls, and shall sign the certificates of the election of the persons elected to each office, designating the person who received the highest number of votes, and the office to which he is elected, one of which they shall transmit to the Secretary of State, one to the officers elected, and they shall lodge one in the hands of John Lewis, who shall deliver it to the county court clerk of said county of Leslie, after one is elected, to be recorded by him in his office. It shall be the duty of the Governor of this Commonwealth to commission such of said officers as are required by existing laws to be commissioned. The officers first elected under this act shall hold their respective offices until the next regular election for like officers, and until their successors are elected and qualified. They shall take the oaths and execute such bonds as is required by existing laws of like officers.

Selection of ground to erect buildings. § 5. The presiding judge of the county court and justices of the peace of said county, a majority concurring, are authorized and empowered to select suitable lots of ground at the seat of justice of said county, over and above that which is hereinbefore designated, upon which to erect the necessary buildings, and to purchase, and make provisions for

the payment therefor by levying a poll-tax not exceeding five dollars on each tithable in said county, from year to year, until the same is fully paid, or they may receive such lots of ground by donation; and when so purchased or donated, the vendor or donor shall make proper deeds therefor to the county court, and the title thereto shall vest in the county court for the use of the county; and they may receive subscriptions in work or materials, or for money to be paid, to be used in the erection, or payment for the erection, of the necessary buildings.

§ 6. The county court of said county shall be held on the third Monday in each month, and the quarterly courts on the Tuesday succeeding the third Mondays in March, June, September, and December.

County court third Monday. Quarterly, Tuesday in June, March, September, and December.

§ 7. The county court of Leslie county shall provide suitable buildings in which to hold the circuit and county courts and to keep the clerk's offices until public buildings shall be provided; and while courts are held at the places so provided, all advertisements, notices, &c., required to be put up at the court-house door, or sales or other acts to be done at the court-house door, shall be legal and binding if done at the place provided for holding courts as aforesaid.

County court to provide temporary house, &c

§ 8. That Willis D. Sizemere, of Clay county, be, and he is hereby, appointed a commissioner, and he, with the necessary assistance that he may call to his aid, shall run and plainly mark the boundary line of Leslie county, as provided in the first section of this act. He shall make out duplicate certificates of his work, transmit one to the Secretary of State, to be filed by him in his office, and he shall deliver the other to the county court clerk of Leslie county, to be filed in his office, after being first recorded in the order-book of the county court.

Line to be run and plainly marked.

§ 9. The county court of Leslie county shall allow each of the commissioners named in this act, and to their assistants, reasonable compensation for their services, to be paid out of the county levy.

Compensation to commissioners

§ 10. The assessors of tax of the several counties from which Leslie county is formed shall, for the year 1878, proceed, as though this act had not passed, to take in the list of taxable property, except that they shall make out separate books of that portion of their respective counties that has

Assessor's duties

been taken off to Leslie, and return the same to the county court of Leslie county.

Use of jails. § 11. The county court of Leslie county shall have the use of the jails of either of the counties from which it is taken, and the jailers shall receive all persons committed from Leslie county under the same rules as if committed from either of the counties from which it is taken.

Secretary of State to furnish, &c. § 12. The Secretary of State shall furnish the county of Leslie, and its several officers, with all the books now allowed by law to the several counties and officers of other counties of this Commonwealth.

First Appellate District. Circuit court. § 13. The county of Leslie is hereby attached to the first judicial district for the election of Judge of the Court of Appeals, and the fifteenth judicial district for the holding of circuit courts; and the times for holding the circuit courts in said county shall be on the Mondays succeeding the Breathitt circuit courts, and continue six juridical days at each term, if the business so requires it.

§ 14. The several counties from which Leslie is taken shall have jurisdiction to their limits, the same as before this act was passed, until Leslie county shall have elected officers, and they have qualified as required herein.

Senatorial district and representative. § 15. The qualified voters of Leslie county embraced in the territory stricken from the counties of Perry, Harlan, and Clay, shall vote for Representative and Senator—with the counties of Harlan, Perry, and Bell for Representative, and with the 33d Senatorial District for Senator, until the next regular apportionment for Senator and Representative in the General Assembly of the Commonwealth of Kentucky.

Name of county seat. § 16. The county seat of Leslie county shall be called Hyden.

Approved March 29, 1878.

CHAPTER 668.

AN ACT regulating the employes at the Arsenal in Frankfort, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

One attendant at arsenal. § 1. That the Quarter-Master General shall employ at the Arsenal but one attendant, to be employed by himself, who shall take proper care of the arms and State property kept

therein; and said attendant shall receive an annual salary of six hundred dollars, to be paid monthly out of the Treasury.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1878.

CHAPTER 670.

AN ACT to authorize the Auditor, with the assent of the Attorney General and Governor, to compromise with defaulting sheriffs and collectors of the public revenue and their sureties.

WHEREAS, There are many demands in favor of the Commonwealth against late sheriffs and collectors of the revenue and their sureties for revenue due and unpaid; and whereas, by reason of the insolvency of many of said sheriffs and collectors and their sureties, and of irregularities in the execution of their revenue bonds, and in the rendition of judgments against them, as well as in proceedings under execution against them, the collection of the amounts due the Commonwealth is rendered uncertain; and whereas, it is desirous, in all cases in which the substantial rights of the Commonwealth can be secured, to avoid vexatious litigation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts (with the assent of the Governor and Attorney General) be, and he is hereby, authorized and empowered, in all cases in which the Commonwealth has demands against sheriffs and collectors of the revenue whose term of office has expired, and their sureties, on account of the non-payment of the revenue, and by reason of the insolvency of such sheriffs and collectors and their sureties, or any of them, or of any irregularity in the execution of the revenue bonds of such sheriffs and collectors, or in the rendition of judgments against them and their sureties, or in any proceedings under executions issued on said judgments, and in any and all cases where such demands cannot, with a reasonable degree of certainty, be collected by the remedies now provided by law, to make such compromise or other arrangement with the parties against whom such demands are held as, in his judgment, is to the best interest of the State. He shall have the right to give such parties reasonable time to pay the amounts agreed upon in any such

Compromise
authorized.

compromise, take their notes or bonds payable to the Commonwealth, bearing legal interest from date, and due at such time or times as may be agreed upon, not exceeding two years from the date thereof; and such notes or bonds may be secured by mortgages or deeds of trust upon unencumbered real estate or personal property, or by personal security, or, if no such mortgage or deed of trust or personal security can be obtained, or when the same is insufficient to secure the amount agreed upon as aforesaid, he may accept the assignment or transfer of any note, bond, bill, or other chose in action, and the amount realized thereon shall be applied to the payment of the demand the same was intended to secure. But the Commonwealth shall not be held or required to exercise more than reasonable diligence in the collection of any of the aforesaid evidences of debt, and only the net amount realized thereon, after deducting such attorneys' fees and legal costs as the Auditor may be compelled to pay in enforcing collection of the same, not exceeding seven and a half per cent. of the amount collected, shall be credited upon such demand.

§ 2. All mortgages and deeds of trust taken by the Auditor in pursuance of this act shall be recorded in the same manner and at the same place as though executed to private individuals; and all costs attending the execution and recording thereof shall be paid by the parties executing the same.

Franklin circuit
court.

§ 3. All actions and proceedings to enforce the collection of any such bonds, notes, bills, or choses in action, or to enforce the lien created by any such mortgage, or to sell any property embraced by any such deed of trust as may have been accepted by the Auditor in pursuance of this act, shall be the same as prescribed by law in similar actions or proceedings between individuals, except that the Franklin circuit court, at either of the fiscal or regular terms, shall have jurisdiction thereof. All such actions or proceedings shall be instituted and conducted by the Attorney General; and in all judgments rendered in such actions or proceedings, there shall be taxed, as part of the cost therein, a fee to said Attorney General of six per cent. on the first five hundred dollars, and two per cent. on the remainder of such judgment.

See Gen. Stat.,
pp. 488-92.

§ 4. The provisions of chapter 44 of the General Statutes shall not apply to any assignment or conveyance or deed of trust made and executed under the provisions of this act; but

all such be valid and enforceable against all and every person, except such as in good faith held liens upon the property so assigned or conveyed at the time such assignment, conveyance, or transfer was made.

§ 5. Any compromise under this act, with any one or more of the sureties of any sheriff or collecting officer, shall not operate to release any other of such sureties who may fail or refuse to make compromise and settlement as herein provided. The provisions of the foregoing bill shall only apply to sheriffs, ex-sheriffs, and sureties, where judgment has been rendered against them, and execution issued, and a return thereon of no property. That this act shall only apply to such sheriffs as have become defaulters previous to January 1st, 1878.

§ 6. This act shall take effect from its passage.

Approved March 29, 1878.

CHAPTER 673.

AN ACT in regard to the offices of Quarter-Master General, Adjutant General, and Inspector General.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Adjutant General of Kentucky shall be *ex officio* Quarter-Master General and Inspector General. Under the orders of the Governor his official duties shall conform to the army regulations of the United States, as the same apply or may apply to the military laws of Kentucky. He shall be furnished a suitable office in some of the public buildings at Frankfort.

Adjutant General—duties, how regulated.

Office.

§ 2. The said officer shall, under the directions of the Governor, collect claims that may be due the Commonwealth on account of war claims for arms, supplies, &c., &c., furnished by the State to the United States on account of the late war.

War claims.

§ 3. Said officer shall receive an annual salary of two thousand dollars, to be paid monthly out of the Treasury. He may have one clerk, to be appointed by himself, who shall receive an annual salary of one thousand dollars, to be paid in like manner. He shall have one attendant at the State Arsenal, to be appointed by himself, who shall take proper care of the arms and State property kept therein,

Salary, \$2,000.

One clerk, \$1,000

One attendant at arsenal, \$600.

and shall receive an annual salary of six hundred dollars, to be paid in like manner as his own salary.

§ 4. This act shall take effect from and after the first day of October, 1879.

Approved March 29, 1878.

CHAPTER 689.

AN ACT to repeal all laws granting lottery privileges or franchises to any person or corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

C. P. of G. A. § 1. That all acts and parts of acts of the General Assembly of this Commonwealth, containing any grant of a lottery privilege or franchise, be, and the same are hereby, repealed, so far as they relate to such grants.

§ 2. This act shall be in force from its passage.

Approved March 30, 1878.

CHAPTER 703.

AN ACT to amend an act, entitled "An act to establish an Insurance Bureau."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Auditor's salary, \$900. § 1. That an act, entitled "An act to establish an Insurance Bureau," be so amended as to require the fees therein required to be paid to the Auditor for *ex officio* services to be paid into the Treasury for the use of the State; and the Auditor, in lieu thereof, shall be paid out of the Treasury, as a compensation for the services therein required, an annual salary of nine hundred dollars.

§ 2. This act shall take effect and be in force from and after January the first, 1880.

Approved March 30, 1878.

CHAPTER 719.

AN ACT to amend section 6, article 6, chapter 92, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6, article 6, chapter 92, of the General Statutes, be, and the same is hereby, amended by adding thereto the following words, to-wit: "but said board shall not change or alter the valuation of property, real or personal, as fixed by the assessor, without giving notice to the owner (or to his recognized agent, if he have one in the county), and said notice shall be served by any officer of the county authorized by law to serve summons when the same is placed in his hands by any one of the supervisors; and said notice shall be served before any witness is examined concerning the true value of said property. From the decision of said board, concerning the true value of said property, the owner (or his recognized agent) may, on motion, before the judge of the county court of said county, at its next regular term, have the question concerning the true value of said property tried by the said judge; and when the amount of taxes computed or to be computed on said property exceeds fifty dollars, the owner (or his recognized agent) shall, on motion, be granted an appeal to the circuit court of the said county. When a copy of the decision of the said county judge is filed with the clerk of the circuit court of said county, it shall be his duty to docket the same as in other appeals from the county courts, justices' courts, etc. It shall be the duty of the county attorney to attend to all such cases in both the county and circuit courts in behalf of the county. If the owner of said property (or his recognized agent) fail to reduce in the circuit court the value of said property as fixed by the county court, then the said owner (or his recognized agent) shall pay the costs of said appeal."

See Gen. Stat.,
p. 724, B. & F.'s.

See Gen. Stat.,
pp. 726 and 150,
art. 3.

Appeal from
county to circuit
court.

§ 2. This act shall take effect from and after its passage, and shall apply to cases now pending in any county court in this Commonwealth.

Approved April 2, 1878.

LAWS OF KENTUCKY.

CHAPTER 724.

AN ACT to amend an act, entitled "An act for the appointment of official reporters, and for the preservation of evidence in certain cases in this Commonwealth," approved March 6, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section three of said act be so amended that when the accused in criminal cases requests the services of said official reporters, and the presiding judge shall order a full report to be made of the testimony, the accused shall pay the expenses of same; and all laws in conflict herewith are hereby repealed.

§ 2. This act to take effect from its passage.

Approved April 2, 1878.

CHAPTER 725.

AN ACT to regulate the time of holding the circuit courts in Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the terms of the Boyle circuit court shall be held as now provided by law, beginning on the first Mondays in March and September, except that each term shall continue eighteen instead of twelve juridical days.

§ 2. This act shall take effect from its passage.

Approved April 2, 1878.

CHAPTER 757.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies," approved March 12, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section six of an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies," approved March 12, 1870, be, and the same is hereby, amended so as to read as follows: It shall be lawful for any insurance company organized under this act, or incorporated under any general or special law of this Commonwealth, to invest

its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages, or deeds of trust on unencumbered real estate within the State of Kentucky, worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company, and continued in force so long as the loan continues; and also in the bonds of this State, or of any other State of the United States, or in the bonds of the United States; and also in the bonds of any county or incorporated city, town, or railroad company in this State authorized to be issued by the Legislature; and also in the stocks of incorporated banks of this State, and of national banks, or stocks of other corporations of this State which have, for two years previous to the time of making the investment, paid interest or dividends of not less than six per cent. per annum, and shall have a market value not more than ten per cent. below par; and to lend the same, or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid, and to change and reinvest the same as occasion may, from time to time, require: *Provided always*, That the current market value of such bonds and stocks, or other evidences of indebtedness (excepting United States Government securities), shall be at all times during the continuance of such loans at least twenty-five per cent. more than the sum loaned thereon: *And provided*, That in all investments made upon mortgage securities, the evidence of the debt, and the value of the property, shall accompany the mortgage: *And provided further*, That no insurance company shall own more than one fourth of the capital of any one bank or corporation, nor invest in, nor loan on, the stocks and bonds, both included, of any one railroad company, more than one tenth of its own capital and accumulated funds, nor, in the aggregate, shall the investment in, and loan on, all railroad property, exceed one fifth of its capital and accumulated funds, nor shall the loans on mortgage of real estate exceed one half of the capital and accumulated funds of any company organized under the laws of this Commonwealth.

§ 2. Insurance companies chartered by this State, and now doing business, shall not be compelled to change any investment heretofore legally made.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1878.

CHAPTER 764.

AN ACT to prescribe the mode of ascertaining the value of the property of railroad companies for taxation, and for taxing same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., chap.
92, art 12, p. 744.

How assessment
made.

§ 1. That the president or chief officer of each railroad company, or other corporation owning a railroad lying in this State, shall, in the month of July in each year, return to the Auditor of Public Accounts of the State, under oath, the total length of such railroad, including the length thereof beyond the limits of the State, and designating its length within this State, and in each county, city, and incorporate town therein, together with the average value per mile thereof, for the purpose of being operated as a carrier of freight and passengers, including engines and cars and a list of the depot grounds and improvements, and other real estate of the said company, and the value thereof, and the respective counties, cities, and incorporated towns in which the same are located. That if any of said railroad companies owns or operates a railroad or railroads out of this State, but in connection with its road in this State, the president or chief officer of such company shall only be required to return such proportion of the entire value of all its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and out of this State.

When in hands
of receiver.

§ 2. That should any railroad, or part of a line of railroad, in this State, be in the hands or under the control of a receiver or other person, by order or decree of any court in this or any other State, it shall be the duty of such receiver or other person to make, under his oath, the returns and valuations required by the first section of this act; and should such president or chief officer of any railroad company, or such receiver, fail to make said returns and valuations on or before the first day of August in each and every year, the said Auditor shall proceed and ascertain the facts and values re-

First of August.
In event of fail-
ure to report,
Auditor to, &c.

quired by this act to be returned, and in such manner and by such means as he may deem best, and at the cost of the company failing to make the returns and values.

§ 3. That the Governor of the State, on or before the first day of August, 1878, shall appoint three disinterested freeholders, citizens of this State, who shall constitute a board of equalization, who shall meet annually at the office of the Auditor, in Frankfort, on the first day of September in each year, a majority present constituting a quorum for the transaction of business; and at the said meetings the Auditor shall lay before them the returns made to him under this act, and any schedules and valuations he may have made under the second section hereof; and should the valuations, or any of them, in the judgment of said board, be either too high or too low, they shall correct and equalize the same by a proper increase or decrease thereof. Said board shall keep a record of their proceedings, to be signed by each member present at any meeting; and the said board is hereby authorized to examine the books and property of any railroad company to ascertain the value of its property, or to have them examined by any suitable disinterested person, to be appointed by them for that purpose. The members of said board shall hold their office for the term of four years, and shall receive for their services ten dollars per day, and all traveling and other necessary expenses whilst in actual service: *Provided*, That said service shall not be for a longer period of time than twenty days in any one year; and before proceeding to act under their appointment they shall take an oath, before the Governor of the State, that they will faithfully and impartially perform their duties as members of said board of equalization; and, in case of the death, resignation of either, or failure to act, the Governor shall fill the vacancy by another appointment.

Board of Equalization.

Quorum.

Proceedings to be signed by, &c.

Four years.

Compensation of board.

Vacancy.

§ 4. The same rate of taxation for State purposes, which is or may be in any year levied on other real estate in this Commonwealth, shall be, and is hereby, levied upon the value so found by the said board, of the railroad, rolling stock, and real estate of each company; and the same rate of taxation for the purposes of each county, city, town, or precinct, in which any portion of any railroad is located, which is or may be in any year levied on other real estate therein, shall be, and is hereby, levied on the value of the real estate

Rate of taxation.

Auditor to notify
county clerks.

One valuation
for State & county
purposes.

of said company therein, and of the number of miles of such road therein, reckoned as of the value of the average value of each mile of such railroad with its rolling stock, as ascertained as aforesaid. And immediately after the said board shall have completed its valuations each year, the Auditor of Public Accounts shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad company of the amount of its assessment for taxation for State purposes, and for the purposes of such county, city, town, or precinct. And all existing laws in this State authorizing the assessment and taxation of the property of railroad companies by counties, cities, or incorporated towns, are hereby repealed; and no county, city, or incorporated town in this State, shall hereafter assess, levy, or collect any taxes on the property of railroad companies of this State, except as provided by this act.

To be paid both
October.

§ 5. All taxes levied under the provisions of this act shall be paid on or before the 10th day of October in each year; and for a failure to pay the same the officers of the said companies shall be subject to the same penalties to which they are now subject for a failure to pay the taxes now levied by law. And the taxes in behalf of the Commonwealth may be recovered by action in the Franklin circuit court, and those in behalf of the counties by actions in the courts of civil common law jurisdiction in such counties, respectively.

§ 6. That all laws in conflict with this act are repealed.

§ 7. This act shall take effect from its passage.

Approved April 3, 1878.

CHAPTER 773.

AN ACT in relation to private lying-in hospitals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Statement of
two physicians
before opening
necessary.

§ 1. That any person or persons who may desire to establish, or to continue to keep open in this Commonwealth, a private lying-in hospital for women, shall, before opening or continuing the same for the reception of patients, produce before the mayor of the city, if it be desired to establish such hospital within an incorporated city, or, if not, before the judge of the county court, a statement signed by two regular

physicians, known to such mayor or judge, that such person or persons so desirous of opening or maintaining a private lying-in hospital for women, is or are of good character and reputation, and that the premises proposed to be used for such hospital are suitable and suitably furnished for the proper care and nursing of women during childbirth and confinement, and describing the same, and that the establishment or continuance of such hospital will be for the public convenience.

§ 2. The mayor or judge of the county court, as the case may be, upon receiving such statement, shall immediately inspect, or cause to be inspected, said premises, and shall make inquiry as to the facts set forth in said statement; and if he shall be satisfied that they are true, he shall issue a permit to such person or persons to open or continue a private lying-in hospital.

Inspection of premises.

§ 3. The proprietors of such private lying-in hospital shall keep a true and accurate register of all births and deaths accruing upon such premises, giving date of birth and date of death, and age of those dying in the case of all children born on the premises, and shall report annually, on the first day of January, to the mayor or county judge, the number of such births and deaths during the year, and the ages of such infants dying on the premises as were born thereon.

Keep register and report annually.

§ 4. Private lying-in hospitals shall be subject to such medical inspection as the city council, in a city, or the county court, if not in a city, may direct, and to the inspection of the grand jury.

Medical inspection.

§ 5. Any person or persons opening or keeping open a private lying-in hospital for women, after this act goes into effect, without obtaining the permit prescribed by the second section, shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than two hundred and fifty dollars, nor more than five hundred dollars, or be confined in the county jail not less than two months, nor more than six months, or both fined and imprisoned, in the discretion of the court.

Misdemeanor and penalty.

§ 6. Failure to keep the register of births and deaths prescribed in the third section of this act, or failure to make the report therein prescribed, or making a false entry in the register, or a false report, shall be a misdemeanor, and for each

Failure to keep, or a false register, or to report, how punished.

such offense the proprietor or proprietors of such hospital shall, on conviction, be fined not less than five hundred, nor more than two thousand dollars.

§ 7. This act shall take effect from its passage.

Approved April 5, 1878.

CHAPTER 781.

AN ACT to amend an act to incorporate the purchasers of railroads, approved March 1, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See Acts 1875-6,
p. 32.

§ 1. That the act, entitled "An act to incorporate the purchasers of railroads," approved March 1, 1876, be amended by adding to it a fifth section, as follows, viz :

Gen. Stat., pp.
769 and 974, B. &
F. s.

"§ 5. The provisions of this act shall also apply to purchasers at judicial sales of the franchises and railroads belonging to mining companies leading from their mines or principal works to some navigable stream or public highway."

§ 2. This act shall take effect from its passage.

Approved April 5, 1878.

CHAPTER 784.

AN ACT to amend chapter 29 of General Statutes, entitled "Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Jury may find
labor instead of
confinement.

§ 1. That chapter 29 of General Statutes be amended as follows : If a part or all of a penalty for a misdemeanor, prescribed in chapter 29 of General Statutes, be confinement in county jail, it shall be, in the discretion of the jury, in these counties where no work-house is established, by its verdict, to fix the punishment at hard labor in lieu of imprisonment in jail for the same period; and if such be the finding of the jury, it shall be the duty of the court to direct that the culprit shall be placed under the control of the jailer, at hard labor, for the benefit of the county, for the period named in the verdict. Such culprit shall be put to work by the jailer upon the county roads, or streets or alleys of a town or city

Jailer to work
culprit.

in the county, or on some public building in the county. Such culprit shall not be compelled to labor more than eight hours in any one day; and when not engaged in labor, shall be confined in the jail of the county. Eight hours.

§ 2. If a part or all of the penalty for a misdemeanor, prescribed in said chapter of the General Statutes, be a fine, it shall be, in the discretion of the jury fixing the amount of the fine, to say in its verdict whether, if the fine and costs are not immediately paid or replevied by the defendant, he shall be put at hard labor in lieu of imprisonment for non-payment of the fine; and if such be the verdict of the jury, the court shall direct that the defendant be placed under the control of the jailer, at hard labor, for the benefit of the county, until the fine be paid; but the period for which he shall be put under control of jailer shall not exceed one day for each one dollar of the fine; and said defendant shall be dealt with by the jailer in the manner prescribed in the preceding section of this act. The defendant shall be entitled to a credit of one dollar upon the fine for each day he remains under the control of the jailer, and may, at any time, pay or replevy the balance of the fine and costs, and be discharged from control on account of the fine. May adjudge labor if fine not paid immediately
Judgment to follow verdict.
A dollar a day.

§ 3. If the penalty for a misdemeanor prescribed in said chapter be both fine and imprisonment, the principle of section first shall govern as to the imprisonment, and that of section second of this act shall govern as to the fine. See secs. 1 and 2.

§ 4. The jailer shall report, under oath, to the county judge, at each monthly term of the court, the money received by him for the labor of culprits, and the same shall be credited upon the fees to be paid him by the court of claims of the county out of county levy. Jailer to report to county judge.

§ 5. The provisions of this act shall not apply to females.

§ 6. That for a failure to discharge any of his duties prescribed in this act, the jailer shall be liable to a fine of not less than five nor more than fifteen dollars, to be recovered by warrant in the name of the Commonwealth of Kentucky.

§ 7. This act shall take effect from its passage.

Approved April 10, 1878.

CHAPTER 785.

AN ACT to amend an act, entitled "An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg," approved February 23, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Equity jurisdiction.

§ 1. That section third of an act, entitled "An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg," approved February 23d, 1874, be amended as follows: but the court of common pleas held in and for the county of Warren shall have equity jurisdiction in all civil actions and proceedings, the same that the Warren circuit court now has by law.

Concurrent with circuit.

§ 2. That section five of said act be amended as follows: but the Warren court of common pleas, held in and for the county of Warren, shall not have jurisdiction of common law actions and proceedings exclusive of the circuit court, but the circuit court shall have jurisdiction of common law actions and proceedings concurrent with the Warren court of common pleas.

§ 3. That nothing in this act shall be construed to authorize a transfer of cases from one of said courts to the other for trial, except for causes which requires such transfer under existing law; and all cases, whether at common law or in equity, shall be tried in this court where originally brought, unless transferred for causes now authorizing a transfer.

§ 4. This act shall take effect from and after its passage.

Approved April 5, 1878.

CHAPTER 791.

AN ACT in relation to Penitentiary warehouse.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sinking Fund Commissioners to have anchors.

§ 1. That the Commissioners of the Sinking Fund are hereby directed to have anchors placed in the Penitentiary warehouse, five upon the second floor and five upon the third floor (said anchors be made of one and one half inch iron rods, and to be securely fastened to the north and south walls), and to have all cracks in the warehouse walls pointed.

§ 2. The Commissioners of the Sinking Fund are authorized to employ a skillful mechanic to execute the provisions of the foregoing section. Mechanic.

§ 3. When the Commissioners of the Sinking Fund shall have received and approved of such work, the Auditor shall draw his warrant on the Treasurer in favor of said mechanic for a sum not exceeding two hundred dollars. \$200.

§ 4. This act to take effect from its passage.

Approved April 5, 1878.

CHAPTER 800.

AN ACT for the continuation of the Geological Survey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the continuation of the Geological, Topographical, Botanical, and other Surveys of Kentucky, now under the direction of the State Geologist, there is hereby appropriated, from any moneys in the Treasury not otherwise appropriated, as follows:

For the further geological investigation of the State, including the salaries of the Director and his Geological Assistants, and their field expenses, four thousand dollars per annum. \$4,000.

For the Topographical Survey, including the salaries of the assistants and field expenses, thirty-six hundred dollars per annum. \$3,600.

For the chemical analyses, and other laboratory tests of substances, nine hundred dollars per annum. \$900.

For the engraving of maps and plates, and for lithographic stones, and cuts for illustrations, nine hundred dollars per annum. \$900.

For stereotyping the reports and other publications of the Survey, seventeen hundred dollars per annum. \$1,700.

For office expenses and collection of specimens, six hundred dollars per annum. \$600.

For the outfit expenses of the Survey, the purchase of wagons, horses, instruments, &c., four hundred dollars: *Provided, however,* That the money not required for any of the purposes specified above, may be used for the other specified purposes. \$400.

§ 2. That the maps, reports, and other publications of the Survey, shall be disposed of and distributed as follows: One copy each shall be given to each member of the State Government, and one copy to each member of the General Assembly in office at the time of its publication; one to each clerk's office of the several county courts, to be filed and retained therein for information of the citizens of said county; five copies each to each officer of the Survey engaged in the preparation thereof; three hundred copies shall be distributed to the various public libraries and men of science in this and other countries, in the manner most likely to diffuse a knowledge of the resources of the State, and to aid in the development of its industries; and that the remainder of the copies printed from time to time shall be offered for sale, as directed by the Governor of this Commonwealth, at the actual cost of printing, binding, and distributing the same. The first edition of each of the reports, and other publications of the Survey, shall not exceed one thousand copies; but the Governor shall have authority to order, at his discretion, subsequent editions of five hundred copies each: *Provided*, That the photographs published shall be in editions of not exceeding one hundred copies, of which fifty copies shall be placed in public libraries in this and other countries, as may seem most likely to disseminate information concerning the Commonwealth, and the remainder shall be sold at the cost of making and distributing the same.

§ 4. This act shall take effect from and after its passage; but the foregoing appropriations shall only be for two years.

Approved April 5, 1878.

CHAPTER 807.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State," approved March 20, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That except as herein specially stated, all the provisions of section twenty-seven (27) of an act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State, approved March 20, 1876,

See 1st vol. of Acts of 1875-6, pp. 101-2-3-4-5-6-8-9-11-12-13.

in reference to removing idiots from the lunatic asylums, and sending them back to the counties of their residence, or whence they came, be, and the same are hereby, extended so as to embrace epileptic imbeciles and harmless incurable lunatics who are now, or hereafter may be, in such asylums.

Imbeciles and incurable lunatics to be sent back.

§ 2. The cost of returning pay patients is to be defrayed by their respective committees, if they have any, and if they have no committee, or friends or relatives able and willing to pay such cost, then the cost of removal to be paid the same as in case of pauper patients—the cost of transportation of pauper patients to be paid by certificate, made on the Auditor, and certified to by the superintendent in the name of the asylum sending such patients away, which shall be the same as now regulated by law for conveying pauper lunatics to the asylum.

Expense of transporting—how paid.

§ 3. This act shall apply to all patients who have been regularly committed to the lunatic asylums by proper inquest, and the amount allowed for their sustenance and support shall be one hundred dollars each per annum, which shall be paid by direction of the court making the order for the custody of the returned patient, which order shall be certified to by the clerk of the court making the order, directed to the Auditor of the State, who shall issue his warrant on the Treasurer for the sum allowed annually in favor of the party named in the order of the court.

\$100 per annum.

Order of court.

§ 4. The assistant physicians, or either of them, are authorized to propose cases to be removed to the commissioners.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 5, 1878.

CHAPTER 809.

AN ACT for the benefit of the Western Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Western Lunatic Asylum be, and they are hereby, authorized to use any surplus money now in their hands and belonging to said asylum in the building of additional accommodation for the white insane of said asylum district.

\$10,000 appropriated to erect buildings for colored lunatics.

§ 2. *Be it further enacted*, That the sum of ten thousand (\$10,000) dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used by and under the direction of said board of commissioners in erecting, building, and furnishing suitable accommodations for the care and treatment of the colored insane of the Western Asylum district; and the Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasury in favor of the treasurer of said Western Lunatic Asylum, when he shall produce and show to said Auditor the order of the president of said board of commissioners, signed by himself and each of said commissioners, and also the vouchers or receipts of the person or persons who had done and performed the work provided for in this section; and the Auditor shall take and preserve said order and voucher or receipts in his office.

Board to advertise for bids.

Bond.

Partial payments.

§ 3. *Be it further enacted*, That the said board of commissioners shall advertise for bids, and let out upon contract for the building and work provided for in the preceding section, and shall take a good and sufficient bond from the party or parties to whom the contract is awarded, for the faithful performance of the contract; and said commissioners may make partial payments upon the work as the same progresses, provided that the payment so made shall not be more than sixty per cent. of the amount due on the work performed.

§ 4. This act shall take effect from its passage.

Approved April 5, 1878.

CHAPTER 816.

AN ACT for the benefit of the Central Lunatic Asylum.

WHEREAS, A special committee was appointed to visit the asylum hereinafter mentioned, have recommended the appropriation of the following amounts of money; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Picket fence.

§ 1. That the commissioners of the Central Lunatic Asylum be authorized to spend fifteen hundred dollars, or so much thereof as may be necessary, to procure the material and put up a picket fence of sufficient height and length around the asylum buildings as may be necessary to afford

ample grounds within the inclosure for the exercise and comfort of the patients.

§ 2. That said commissioners be authorized to expend fifteen hundred dollars, or so much thereof as may be necessary, to procure the material and build a barn of such size and style as the demands of the institution may require, and the amount of money hereby granted enable them to do.

Barn.

§ 3. That said commissioners are hereby authorized to expend two hundred and fifty (\$250) dollars, or so much of the same as is necessary, to construct a building to store away straw for the asylum.

House for straw.

§ 4. That said commissioners shall take all necessary steps for the letting of said buildings, so as to secure such contracts as that the buildings shall not cost the State more than a fair and reasonable estimate for the same.

Contracts.

§ 5. That whenever the commissioners have agreed upon plans for said buildings, and contracted for building the same, the Auditor of Public Accounts be, and he is hereby, authorized, upon an order of said commissioners, to draw his warrant upon the Treasurer for the amount of thirty-two hundred and fifty dollars, to be paid out of any money not otherwise appropriated.

Auditor to draw warrant.

§ 6. This act to take effect from and after its passage.

Approved April 5, 1878.

CHAPTER 818.

AN ACT to amend chapter 85, General Statutes, title "Penitentiary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever any contractor with the State to do any public work for the State, or any company incorporated under the laws of this State to improve the navigation of any river in this Commonwealth, shall apply to the Governor of this State for any convict laborer confined within the Penitentiary under sentence to hard labor, and shall execute bond, with four or more good sureties, to the Commonwealth of Kentucky, conditioned that they will care for and provide for the convicts, and defray all expenses hereinafter enjoined, and return the convicts to the Keeper of the Penitentiary well clothed, when the work they have undertaken has been

Gen. Stat., p. 691.

Prisoners to be furnished to contractor, when, &c.

Duty of contractor.

Not to exceed
500 laborers.

Force in walls
not to be reduced
below 500, with-
out, &c.

Males.

Laborers, what
to be furnished,
expenses, cloth-
ing, liberation fee

Deputy Keepers
— duty of and
authority.

completed, or they have permanently ceased to carry on their work, there shall be furnished said contractor or company, by the Keeper of the Penitentiary, upon the written order of the Governor, free from cost, a force of not exceeding, at any one time, to all contractors and companies who may apply therefor, five hundred able-bodied male convict laborers, and shall continue to furnish that number, without cost, so long as said contractors or companies shall keep them actually employed upon said works: *Provided*, That the force within the walls of the Penitentiary shall not be reduced below five hundred without the consent, in writing, of the Keeper: *And provided further*, That said contractors or companies shall feed and clothe said convicts, and defray all expenses hereinafter required at their own exclusive expense; and no convict shall be worked by said contractors or companies except able-bodied males, whose term of service shall expire within five years from the time they are put to labor on said works.

§ 2. Any contractor or company applying for and receiving convict laborers under this act shall, at their own expense, furnish the necessary guards; feed and clothe the convicts comfortably, giving them coffee at least once every day; provide suitable and comfortable quarters, and sufficient beds and bedding to make them comfortable; pay all necessary physician's bills, and all the necessary expenses of maintaining them; and shall furnish the clothing, and pay the liberation money required by law to all convicts whose term of service expire or may be pardoned whilst in their employ.

§ 3. The Governor shall appoint a deputy keeper to accompany each body of convicts delivered to any company under this act (his services to be paid for by the company), whose duty it shall be to overlook the health and situation of each convict, as also the treatment they receive, the character and quality of the food furnished, the quality and sufficiency of clothing, beds and bedding given them, the suitability and healthfulness of their quarters, and whether any convict is kept at work when, from disease, he is unfit for labor, and report the same to the Governor; and said deputy keeper is authorized to call in medical aid for said convicts when he shall think it necessary; whereupon, if it appears that any convict is required to work when, by disease, he is unfit, or the convicts are not properly clothed, fed, provided for, and humanely treated, it shall be the duty of the Governor to

direct the Attorney General to file an information or presentment in the name of the Commonwealth of Kentucky against said company or contractor therefor in the Franklin circuit court; and, upon conviction thereof, said contractor or company shall be fined in a sum of not less than one hundred, nor more than one thousand dollars; and, upon a second conviction, shall forfeit the use of the convict labor.

Information to be filed, &c.; penalty.

§ 4. for any failure to do any and all things required in this act, or defray the expenses incurred under it, or to return the convicts when and at the time required and as required, the State, or any person aggrieved, shall have the right to maintain a civil action for damages upon the bond provided in the first section of this act.

Civil action.

§ 5. This act shall take effect and be in force from and after its passage: *Provided*, That nothing in this act shall be construed as requiring the present Keeper, during his present term, against his will, to deliver the convict laborer, nor shall the State be in any way responsible should he refuse; but said Keeper may allow companies to work said convicts, under the restrictions and provisions of this act, upon such terms of wages to the Keeper as may be agreed.

§ 6. That no prisoner now confined in the Penitentiary shall be required to work outside of the prison walls, in pursuance of the provisions of this act, unless he shall consent, in writing, so to do; which writing shall be subscribed by him, and attested in his presence by two subscribing witnesses thereto. The judgment of courts in future convictions, for offenses hereafter committed, shall provide for working the convicts, as provided in this act, whose terms of punishment does not exceed five years.

Prisoner to consent in writing.

Judgments of courts in future.

§ 7. That section 4, article 15, chapter 29, General Statutes, shall apply to the company or corporation using said convicts, with this modification, viz: That where said escaped convict is captured, he shall be returned to said company or corporation instead of the Penitentiary.

Gen. Stat., p. 341.

§ 8. For any failure on the part of the Keeper of the Penitentiary to comply with any of the requirements of this act, he shall, on conviction thereof, be fined the sum of not less than one hundred nor more than five hundred dollars for each offense.

Fine of Keeper.

§ 9. That section five, chapter eighty-five, of the General Statutes, be amended by striking out eight thousand dollars and inserting twelve thousand dollars.

Approved April 4, 1878.

CHAPTER 835.

AN ACT to amend subsection 5 of section 13 of the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 5 of section 13 of the Criminal Code of Practice be, and the same is hereby, amended by adding thereto the following words, viz: "And in all cases of riots, routs, breaches of the peace, affrays, and unlawful assemblies."

Approved April 6, 1878.

CHAPTER 846.

AN ACT to repeal sections 2 and 3, article 3, chapter 28, General Statutes, and to fix the compensation of the Reporter of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 2, 3, 4, and 5, of article 3, chapter 28, of the General Statutes, title "Courts," be, and the same are hereby, repealed, and in lieu thereof the following sections are hereby enacted:

§ 2. The Reporter shall have the decisions of the court printed in volumes, well bound in law sheep, of not less than 750 pages, on paper superior quality; the material to be furnished by the State Librarian, and the work to be done by the Public Printer, upon the terms which may be allowed him by law at the same time for the same kind of work.

§ 3. The Reporter shall be allowed for his services as such the sum of (\$1,800) eighteen hundred dollars per annum, payable in monthly installments of one hundred and fifty dollars.

§ 4. The Public Printer shall print and bind one thousand copies of each volume of Reports, and deliver them to the Secretary of State, who shall furnish one copy thereof to each

Extends jurisdiction of justices

Gen. Stat., p. 279.

750 pages to volume.

Librarian to furnish material.

1,000 copies to be printed and bound by Public Printer; who entitled to; sale of remainder.

officer entitled thereto by law, and shall sell the remainder by the single copy to any persons desiring the same, at a price not exceeding the actual cost of printing and binding the same, and twenty per cent. thereon.

§ 5. The Public Printer shall have each volume of said Reports stereotyped, which shall be included in the cost of publication, and estimated in the sale of said Reports, as above provided. Stereotyped.

§ 6. There shall be no copyright of said Reports in the future, but the stereotyped plates of each volume shall be delivered by the Public Printer, after the said one thousand copies are printed, to the State Librarian, who shall preserve them as the property of the Commonwealth. No copyright, plates to be kept.

§ 7. In the publication of the decisions, the Reporter shall be governed by the provisions of section 766 of the Civil Code of Practice. Facts of case and points in brief to be stated by Reporter.

§ 8. This act shall take effect from and after the term of office of the present Reporter of the Court of Appeals shall have expired.

Approved April 8, 1878.

CHAPTER 847.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky State Dental Association," approved February 6, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to practice dentistry in the State of Kentucky for compensation, unless such person has received a diploma from the faculty of a dental college, duly incorporated under the laws of this or any other of the United States or foreign country, or a certificate of qualification issued by the Kentucky State Dental Association: *Provided*, That nothing in this section shall apply to persons now engaged in the practice of dentistry in this State. Diploma requisite.

§ 2. There shall be a board of examiners, to consist of three practitioners of dentistry, who, together with the president and secretary of the Kentucky State Dental Association, shall be elected by said Dental Association, according to its by-laws. Board of examiners.

§ 3. It shall be the duty of said board of examiners, so elected, to meet annually at the time of meeting of the said Kentucky State Dental Association, or oftener, at the call of any three of the members of said board, or of an applicant for a certificate to practice dentistry.

§ 4. 'Thirty days' notice must be given of the annual meetings of said State Association, and previous thereto, that all applicants for certificates to practice dentistry will be granted the same upon satisfactory examination.

§ 5. The State Kentucky Dental Association shall cause to be kept a book, in which shall be registered the names of all persons having certificates to practice dentistry in the State of Kentucky; and that the book or books so kept shall be a book or books of record, and a transcript from the same, certified by the officer who has it in charge, with the seal of said Association affixed thereto, shall be evidence in any court of this Commonwealth.

§ 6. Three members of said board of examiners shall constitute a quorum for the transaction of business; and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day until a quorum is present.

§ 7. Any person who shall, in violation of this act, practice dentistry in the State of Kentucky, for a fee or reward, shall be liable to indictment by the grand jury of the county in which the offense is committed, and, upon conviction, shall be fined in the penal sum of not less than fifty nor more than two hundred dollars for each offense: *Provided*, That nothing in this act shall be construed to prevent physicians or surgeons from extracting teeth.

§ 8. On the trial of indictments found as aforesaid, it shall be incumbent on the defendant to show that he has authority under the law to practice dentistry, to exempt himself from the penalty by law prescribed.

§ 9. All fines collected under this act shall inure to the benefit of common school education, and be added to the fund of such common school in the county in which the offense is committed.

§ 10. In order to provide a fund to carry out the provisions of the third section of this act, it shall be the duty of the board of examiners to collect from all who receive the certificate to practice dentistry a sum not exceeding five dollars

each, of which sum, if there be any remaining after paying necessary expenses, the balance shall be paid into the treasury of said Kentucky State Dental Association, to be kept as a fund for the purpose of carrying out more fully and perfectly the provisions of this act.

§ 11. The board of examiners shall receive such remuneration for their services as the by-laws of said Kentucky Dental Association may provide. Compensation.

§ 12. This act shall take effect and be in force from and after its passage.

Approved April 8, 1878.

CHAPTER 856.

AN ACT to amend an act in reference to the inspection, sale, and storage of oils made from coal, petroleum, &c., approved February 21, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of the above recited act be amended by adding the following: That inspectors shall perform their duties in the county of their appointment. Restricted to county.

§ 2. That section 6 be amended by adding the following: Any one may use any of said oils or fluids, after being tested of a fire test of less than 130 degrees Fahrenheit, in the manufacture of gas, by either a portable or stationary gas-works, where the gas is conveyed through pipes, and burnt through burners as ordinary coal gas is burnt, without incurring the penalties provided in this act. Manufacture of gas may use, &c.

§ 3. If any person shall refill, buy, or receive, or shall sell and deliver any empty coal oil barrels, without first erasing all marks or brands now required by law to be marked or branded on a barrel by a county inspector, shall be guilty of a misdemeanor; and for each barrel so filled with oil sold and delivered, or bought and received, shall be fined fifty dollars, to be recovered by indictment, one fourth of the penalty recovered to go to the informer, and the balance to the State. Misdemeanor to sell barrel with brands not rubbed out.

§ 4. This act to take effect from its passage.

Approved April 8, 1878.

LAWS OF KENTUCKY.

CHAPTER 862.

AN ACT to authorize the sale of the Kentucky River Turnpike Road, in Clark and Fayette counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Directors.

§ 1. That whenever a majority of the directors of the Kentucky River Turnpike Road Company, being the company that owns the turnpike road running from the Winchester and Lexington Turnpike Road to Combs' ferry, in Clark county, shall file a petition in equity in the Clark circuit or common pleas court, alleging the insolvency of said company, the said court shall have jurisdiction and power to order and direct a sale of said road, together with all its franchises, if on trial it appears that such sale is necessary for the payment of the debts of said company within a reasonable time.

§ 2. The proceedings in such case shall be conducted as now required in the settlement of the estates of insolvent decedents.

§ 3. The purchasers under any sale made by virtue of this act shall be required to keep and maintain said road as the said road company is now required to do by its charter, and shall succeed to all the rights and privileges of said company, and be subject to all the penalties appertaining to it, except that the said purchasers shall be individually responsible for all debts contracted or liabilities incurred after the control of the road shall have been surrendered to them or to him, if there be only one purchaser.

§ 4. This act shall be in force from and after its passage.

Approved April 8, 1878.

CHAPTER 871.

AN ACT to amend an act, entitled "An act to fix the terms of the circuit, chancery, and criminal courts in the 12th judicial district," approved March 14, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Campbell.

§ 1. That the circuit courts at Newport, in Campbell county, shall commence on the third Mondays of February, June, and October, the February term to hold twenty-two days,

the June term eighteen days, and the October term twelve juridical days, if business requires.

The circuit court at Alexandria, in said county, shall commence on the third Monday in March, fourth Monday in August, and fourth Monday in November, the March and November terms to hold six juridical days, and the August term to hold five juridical days: *Provided*, That a grand jury shall attend said circuit court at Alexandria at its March and November terms only. Alexandria.

§ 2. That the chancery court at Newport shall commence on the first Monday in January, and hold twelve juridical days only. Chancery

§ 3. This act shall take effect from and after the first day of August, 1878.

Approved April 8, 1878.

CHAPTER 873.

AN ACT to enable the Public Library of Kentucky to transfer its property to the Polytechnic Society of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Public Library of Kentucky be, and it is hereby, empowered to transfer to the Polytechnic Society of Kentucky all of its property, real, personal, and mixed, of every kind and character, and to do all acts necessary to pass the title.

§ 2. This act shall take effect from and after its passage.

Approved April 8, 1878.

CHAPTER 891.

AN ACT in relation to the militia of this Commonwealth and the organization of the Kentucky State Guard.

Classification of the Militia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The militia of this State shall be divided into two classes:

1. The volunteer militia, to be known as the Kentucky State Guard.

2. The militia of the reserve.

The Militia of the Reserve.

Reserve militia composed of all persons between 18 and 45 years of age.

§ 2. The militia of the reserve shall consist of all able-bodied male persons, resident in this State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this State; and those who belong to religious societies whose tenets forbid them to carry arms; and those who become *bona fide* members of the State Guard, during their term of service, and forever after, if they serve two terms.

Enrollment.

See Constitution, art. 3.

Governor to order enrollment.

§ 3. When the Governor, by public proclamation, so commands, it shall be the duty of the assessor to enroll the names of all persons liable to duty in the militia of the reserve, and by such time as said proclamation may prescribe, shall transmit said rolls to the Adjutant General of the State.

Assessor's duty, compensation, & penalty.

§ 4. When such service is required of the assessor, he shall be allowed one cent for each name returned by him. And if the assessor neglects or refuses to render said service when so required, he shall be subject to a fine of not more than five hundred and not less than one hundred dollars, to be recovered in any court of competent jurisdiction.

Calling Out the Reserve Militia.

Governor may call out reserve militia in time of public danger.

§ 5. Whenever, in the judgment of the Governor of this Commonwealth, any actual or threatened invasion, domestic violence, or other great public danger, makes it necessary to call out the militia of the reserve, the Governor shall, by public proclamation, summon all or any number of the same, to be assembled by the sheriff at any point or points within the county or respective counties that may be designated by the proclamation. And thereupon the sheriff, on pain of a fine of one thousand dollars for refusal or neglect, shall summon the members of the reserve militia within his county, as he would summon a civil posse, and under similar penalties against those who fail to obey his summons. But should the Governor's proclamation call for only a part of the reserve militia of any county, the sheriff may first call for volunteers therefor, and if that should appear to be inexpedient, he shall summons the members of the reserve militia to assemble in their magisterial districts, and there determine, under the supervision and control of the justice of the peace,

by lot, which shall be selected to fill the quota of that magisterial district. See sec. 36.

Organization of the Reserve Militia.

§ 6. Whenever the whole or any part of the militia of the reserve shall be called out in any county, and it has been determined by summons, or by lot, or by volunteering, which shall perform duty, those from each magisterial district shall at once, under the supervision of the magistrate, or, in his absence, under the supervision of a presiding officer chosen by themselves, proceed to organize themselves into one or more companies of not less than fifty men, unless there be fewer than that number, all told, and shall elect the officers provided for in the State Guard organization; and the captain shall appoint the usual non-commissioned officers. Reserve militia to be organized only when called out.

§ 7. And when so organized, they shall become subject to the law for the further organization and government of the State Guard. They shall be conducted to the general place of rendezvous, where such other organization shall be made and officers elected as may be necessary under the State Guard law, or directed by the Governor, as Commander-in-Chief. The militia of the reserve, so called into service, may be employed in any part of this Commonwealth, under the orders of the Governor. To be subject to State Guard law.

Civil Power over the Reserve Militia.

§ 8. Whenever the militia of the reserve, or any part thereof, shall be called into active service, it shall act in conjunction with, and subordinate to, the civil power of the district in which it is operating. The civil authority having this controlling power shall be in the following gradation: Judge of the Court of Appeals; judge of a circuit, common pleas, chancery, or criminal court of the criminal jurisdiction of a circuit court; judge of a county court; sheriff; jailer; justice of the peace; constable. In the absence of a Judge of the Court of Appeals, or any other of the officers here named, the next in rank in the order named, who shall be present, shall represent and exercise the civil power in its relation to the military power of the Commonwealth. See Constitution, art. 13, sec. 26. Military to be subordinate to civil power.

The State Guard.

§ 9. There may be organized, under regulations hereinafter provided, an active military force, to be styled and known as the Kentucky State Guard. Said force shall consist of not See sec. 44.

Composition &
character of the
State Guard.

exceeding twenty companies, including all arms of the service. Of this force, there may be sixteen companies of infantry, two of artillery, and two of cavalry; said infantry companies to consist of not less than 40 nor more than 64 men each, rank and file: *Provided*, That the aggregate of said force shall not exceed 1,280 men, rank and file.

Organization of
companies in the
State Guard.

§ 10. When, in the judgment of the Governor, it is necessary or proper to organize a State Guard company in any county, he may institute such organization in conformity with the requirements of this law. When any number of persons, not less than forty nor more than sixty-four, desire to organize an infantry company in any county, they shall first obtain the written consent of the county judge, and a certificate from him that the applicants are men of good moral character, residents of the county, and qualified for service as herein prescribed; and shall forward the same, with a written application, signed by each man desiring to join the company, to the Adjutant General. Should the Governor approve the application, he shall direct the proper steps to be taken to organize the company, and muster it into the service of the State.

See sec. 13.

Qualifications.

Constitution³
art. 8, sec. 11.

§ 11. All able-bodied male persons resident in this State, between the ages of eighteen and forty-five years, of sound mind and good moral character, shall be eligible to membership in any State Guard company organized within the limits of the county in which they reside. But after any company has been organized and mustered into service, and has adopted by-laws as hereinafter provided, recruits shall be further subjected to such qualifications as may be imposed by such by-laws. Persons otherwise qualified, but under the age of eighteen, and not less than fifteen years, may become eligible by filing with the Adjutant General the written consent of their parents or guardians to their enlistment. And persons otherwise qualified, but over the age of forty-five years, may remove such cause of disqualification by filing with the Adjutant General a written waiver of their exemption from militia service for such time as they remain in the State Guard service.

Qualification for
membership in
State Guard.

Waiving ex-
emption.

See Constitution,
art. 7.

Enlistment.

Term and form
of enlistment.

§ 12. The term of enlistment shall be for three years, and no person shall become a member of any organization of the

State Guard except on subscribing an obligation of enlistment of the following form. Said obligation shall be signed in duplicate: one copy to be forwarded immediately to the Adjutant General, the other to be filed with the company records. After the original enlistments and organization of the company, recruits for the company may be enlisted by such officer as the Governor may, by his order, direct:

KENTUCKY STATE GUARD.

ENLISTMENT.

I, ———, desiring to become an active *bona fide* Form. member of the Kentucky State Guard, and to enlist in Captain ———'s Company of ———, known as the ——— (—— Company —— Regiment of ——), do declare that I am a resident of the State of Kentucky and the county of ———; that I am — years of age; that my occupation is that of ———; that I do not now belong to any other organization in the Kentucky State Guard, nor have I ever been discharged from the State Guard for disability, or by sentence of court-martial, and that I know of no impediment to my becoming a member of the State Guard according to law. And I solemnly promise and agree that I will honestly and faithfully serve the State of Kentucky, and that I will do my utmost to support the Constitution and laws of the United States and of the State of Kentucky, against all violence of whatsoever kind or description; and I further declare that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty.

Signed and acknowledged before me at ———, in the county of ———, State of Kentucky, this — day of ———, 18—; and in further pursuance of the authority vested in me by paragraph —— of Special Orders No. —, dated the — day of ———, 18—, from the Adjutant General's Office, I have this day mustered the said ——— into the State Guard service, in the Company aforesaid, for the period prescribed by law.

———, *Mustering Officer*.

NOTE.—This paper must be executed in duplicate: one copy See sec. 15. to be retained in Company records, the other forwarded at once to the Adjutant General of the State.

Organization and Muster-in.

Manner of organizing a company.

§ 13. When a company is to be organized, the persons proposing to join the same shall be directed, by the order of the Governor, to assemble at a given time and place within the county. And the Adjutant General, or such other mustering officer as the orders of the Governor may specially appoint, shall, at the designated time, repair to the place of assembly, and there proceed to enlist the applicants in the manner and form herein prescribed. The mustering officer may adjourn the meeting from time to time to give the applicants opportunity to come forward and enlist. Should any person other than a signer of the original application present himself, on the occasion of this original organization, for enlistment, he may be accepted if a majority of the applicants consent thereto, and the mustering officer votes with them in the affirmative, and the person so offering himself signs the application.

See sec. 10.

Election of Officers.

Number of officers elected, and proceedings at election.

§ 14. After forty men have been enlisted, or as many over that number and within sixty-four as appear on the original application, the mustering officer shall proceed to hold an election by ballot for commissioned officers. In each infantry company there shall be elected, by a majority of votes, not less than forty being cast, one captain, one first lieutenant, and one second lieutenant; and in a company of any other arm, such commissioned officers as are authorized by law for similar organizations in the army of the United States. Should the company, by a majority vote, desire to postpone the election for any two of the officers, the mustering officer may postpone such election. To give opportunity to all the members of the company, the mustering officer may continue the balloting for such time as he may deem reasonable, to enable all the members to vote. If any person is elected to office who is not a member of the company, he shall duly enlist himself before his commission issues.

See Constitution, art. 7, sec. 3.

Mustering into Service.

When and how company mustered in.

§ 15. When a sufficient number of enlistments have been made, and at least one commissioned officer elected, the mustering officer shall cause the company to be formed; shall inspect the men, to assure himself of their identity and qualification; and shall then administer to the whole company the oath prescribed in the form of enlistment, and muster

the company into the State Guard service. The mustering officer shall promptly file, in the office of the Adjutant General, the duplicates of the obligations of enlistment taken by him, his certificate of the election of officers, and a report of the proceedings, inspection, and muster-in of the company on its organization. See sec. 12.

Non-commissioned Officers.

§ 16. As soon as the company is mustered in, the company commander may appoint four sergeants and four corporals. The order of appointment shall be entered in the company order-book; and the company commander shall give to each of said non-commissioned officers a warrant of appointment, and shall report said appointments to the Adjutant General. Non-commissioned officers shall hold their appointments at the pleasure of the officer appointing them; but every removal shall be by an order entered in the company order-book, and shall be immediately reported to the Adjutant General. See Constitution, art. 7, sec. 2.

Non-commissioned officers appointed by company commander.

Council of Administration.

§ 17. Each company shall have a council of administration, composed of the commissioned officers, which shall be charged with the care and control of the fiscal affairs of the company. Said council may make an allowance out of the company fund to the company clerk, and for such necessary expenditures as are strictly within the purpose of maintaining the effectiveness of the organization. No extraordinary expenditure shall be made out of said fund, except by a majority vote of all the company members present at a regular company business meeting, or such a meeting called by a majority of the council, on sufficient notice for the members to assemble. Each company to have a council of administration.

Its duty and power.

The Company Fund.

§ 18. The Company Fund shall be made up of all sums apportioned to the company out of the State Military Fund, all donations of money to the company, all dues which the company shall impose upon the members under the restriction hereinafter imposed, all fines that may be imposed upon any member of the company as authorized herein, and all money coming from the sale of any company property, sold by the council of administration on the order of a majority of the members present at a regular business meeting, or a business meeting specially called, as in the next preceding section. How company fund is made up.

By-Laws.

See sec. 33

Company may
adopt by-laws
subject to re-
vision.

§ 19. Each company may, after it is mustered into service, adopt, by a majority of the votes of all the members, such by-laws as may be deemed necessary and proper for the administration of the affairs of the company. When adopted by the company, a duly certified copy of the same shall be forwarded to the Adjutant General for submission to the Governor, and if he shall approve them, in whole or in part, they shall, so far as approved by the Governor, take effect from the date of such approval.

*Admission of Members.*By-laws may
direct how new
members are ad-
mitted.

§ 20. The by-laws may direct the manner in which applicants for membership shall be admitted, by providing for an expression of the sense of the company on such application. But such regulations as may be so provided shall not conflict with, or in any way dispense with, the requirements of the law herein made concerning enlistments and qualifications, and shall be subject, as other by-laws, to the approval or disapproval of the Governor.

*Stated Dues.*Stated dues to
be fixed by unan-
imous vote of
company.

§ 21. The by-laws may, subject to the same revision, provide for the collection from each member of the company of equal stated dues. But the amount of such dues shall be determined only by the unanimous vote of the company; and new members thereafter admitted shall, before any vote shall be taken on their application, give their written consent to the imposition of the dues at that time established. The failure to make this agreement shall not in any manner, nor shall a failure in any respect to enforce the by-laws in regard to admission, invalidate the contract of enlistment; but if a company officer reports for enlistment, or himself enlists a recruit without first assuring himself that the requirements of the by-laws have been complied with, he shall be subject to such punishment, not exceeding a fine of twenty-five dollars, or dismissal from service, as a general court-martial shall inflict.

*Name and Letter.*Company may
adopt name.

§ 22. Each company may, by its by-laws, adopt a distinctive name, subject to approval by the Governor. When combined in regimental organization, each company shall, in addition, be designated by a particular letter of the alphabet. In the

original organization of companies into regiments, the companies shall be lettered according to the rank of Captains, but shall thereafter retain the letter first assigned, without reference to subsequent changes in the rank of the Captains.

How lettered
in regiment.

Regimental Organization.

§ 23. The Governor may, whenever he deems it expedient, organize companies of the same arm into battalions or regiments. When not less than four companies are permanently organized into a battalion, each company shall, at the same time and in the manner provided for the election of company officers, proceed to ballot for a Major. If no person receives a majority of votes in each company on the first ballot, the company officers of the battalion shall assemble at a time designated by the authority of the officer holding the first election, and shall proceed to ballot for a Major. If no one receives a majority of all the votes cast on that ballot the Governor shall appoint a Major to command the battalion. Any two battalions of the same arm commanded by Majors, as just provided, may, by the direction of the Governor, be consolidated into a regimental organization; and thereupon an election shall be held for the election of a Colonel, by the vote of a majority of all the company officers, taken in such manner as the Governor shall direct. If no one receives a majority of all the votes so cast, the two Majors and the senior Captain shall choose a Colonel by a majority vote; and if such election fails to make a choice, the Governor shall appoint a Colonel.

Governor may
direct formation
of battalions and
regiments.

Election of field
officers.

Battalion and Regimental Staff.

§ 24. Each battalion shall have a battalion adjutant and a battalion quarter-master, both to be appointed by the Major, subject to the approval of the Colonel and the Governor. They shall be selected from the company officers below the rank of captain; and the acceptance of such appointment shall vacate their positions as company officers. Each regiment shall also have a regimental adjutant and a regimental quarter-master, to be appointed by the Colonel, subject to the approval of the Governor from among the company officers below the rank of captain; and to vacate their positions as company officers by acceptance of staff appointment. Each battalion and each regiment shall have one sergeant-major and one quarter-master sergeant, to be appointed, from

Battalion and
regimental com-
manders to ap-
point staff for
their commands.

among the non-commissioned officers, by the battalion or regimental commander. Each battalion shall have an assistant surgeon, and each regiment a surgeon, to be appointed by the Governor. Unattached companies of artillery or cavalry may each, at the discretion of the Governor, have an assistant surgeon, appointed in the same manner as battalion assistant surgeons.

Medical officers.

Artillery and Cavalry.

Artillery and cavalry organized as in U. S. army.

§ 25. In addition to the State Guard infantry companies herein authorized, the Governor may direct the organization of not exceeding two companies of light artillery and two companies of cavalry. They shall be organized as similar companies in the army of the United States, and shall be equipped as the Governor may direct. If, in the judgment of the Governor, it should become expedient to consolidate the two companies of cavalry into one organization, he may so direct; and thereupon, the battalion shall be entitled to one field officer, of the rank of Major, to an adjutant, a quartermaster, a sergeant-major, and a quartermaster sergeant.

General Courts-martial.

Composition & government of general court-martial.

§ 26. A general court-martial shall be composed of not less than [*three and not more than] seven commissioned officers of the line, field, or staff. In other respects, except as may be hereinafter specially provided, the laws and regulations governing general courts-martial in the army of the United States shall apply to the State Guard. No general court-martial can be convened except by order of the Governor.

Company Courts-martial.

Composition & government of company court-martial.

§ 27. A company court-martial, composed of not less than one commissioned officer, may be appointed by the company commander to try non-commissioned officers and privates for such offenses as may be made cognizable by such courts by the provisions of this law. The officer ordering the court shall not be eligible to sit therein, and the proceedings shall be forwarded for the approval of the battalion commander, or, if the company is unattached, to the Adjutant General, for the action of the Governor, if the accused, after the judgment of the court is communicated to him, so requests, in writing, to the senior officer of the court.

[*NOTE.—These words were accidentally omitted from Enrolled Bill.]

PENALTIES.

Cashiering.

§ 28. An officer cashiered by sentence of a court-martial shall be incompetent to hold any office in the military service of the State. After three years, the Governor may remove such disability.

Effect of cashiering.

Absence from Drill.

§ 29. The Governor shall direct how often each company, battalion, and regiment shall assemble for regular drill; and any officer absenting himself therefrom for five consecutive drills, shall be reported by the company, battalion, or regimental commander to the Adjutant General, who shall call upon said officer for an explanation of his neglect. The report and the explanation shall be submitted for the action of the Governor; and if he deems proper, he may direct that the derelict officer be discharged the service. If a non-commissioned officer or private absent himself from drill three consecutive times, his company commander shall call upon him for a written explanation of his neglect; and if he fails to make it, or it is not deemed satisfactory by his company commander, said commander may forward the paper to the Adjutant General, with a recommendation that the man be discharged for neglect of duty under this section of the law; or he may bring the man before a company court-martial, and said court may fine him one dollar for each absence.

How drills regulated and penalty for neglect.

Appeal from company court.

Fail to Respond to Call.

§ 30. When the Governor orders any part of the State Guard into active service, and any officer refuses or fails to comply with such orders, he shall be cashiered, by sentence of a court-martial, fined not less than fifty nor more than two hundred dollars, by such a court; or the Governor may withdraw his commission, and give him an dishonorable discharge from the State service. If any enlisted man so fails or refuses, he may be dishonorably discharged by the order of the Governor; or he may be brought before a general court-martial, and fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or both.

Penalty for refusing to turn out

Failure to Make Returns.

§ 31. Any member of the State Guard failing to make any return required of him shall be fined, by a general court-mar-

Penalty for failure to make returns.

tial, not exceeding fifty dollars, or he may be discharged for neglect of duty by the order of the Governor.

Improper Use of Arms.

Penalty for improper use of arms.

See sec. 27.

§ 32. No member of the State Guard shall use, or permit to be used, any public arm, equipment, or property, under penalty, if an enlisted man, of five dollars, to be imposed by a company court-martial; or, if a commissioned officer, a penalty of not less than ten nor more than fifty dollars.

By-Laws.

Company court-martial has jurisdiction of by-laws.
See sec. 19.

§ 33. A company court-martial shall have jurisdiction of all penalties imposed by the by-laws; but no fine imposed by such court shall exceed five dollars.

Collection of Fines.

Fines to be collected by civil proceedings.

§ 34. Any person failing to pay over any fine imposed on him by sentence of a company or general court-martial, shall be proceeded against for the same as for ordinary debt before a justice of the peace, and the record of the court-martial shall be taken as evidence in the case. Judgment having been obtained, execution shall issue and be levied and collected as in ordinary cases. The junior officer of the company court-martial shall prosecute the case in the name by which the company is known, and shall pay the money collected into the company fund. The judge advocate shall, in similar manner, prosecute fines imposed by the general courts-martial, in the name of the Commonwealth, and shall pay the money collected into the hands of the State Treasurer, to be credited to the State Military Fund.

State Military Fund.

State military fund—how made up and how disbursed.

See sec. 42.

§ 35. There is hereby appropriated the sum of ten thousand dollars (\$10,000) per annum, to be paid out of the Treasury, from the resources of the Kentucky war claim, as the same shall hereafter be collected from the United States, which, together with all sums received into the Treasury from fines, &c., under this act, shall constitute the Military Fund of this State. Said fund shall be disbursed, from time to time, by the authority of the Governor, and under such regulations as he shall prescribe for the organization, administration, equipping, uniforming, and paying the State Guard; for the purchase of tactics, laws, and regulations of the army of the United States, and instruction of the State Guard, for

the renting of armories, and for the purchase of such camp and garrison equipage and military stores as may be necessary to the State troops.

Calling out the State Guard.

§ 36. Whenever, in the judgment of the Governor of this Commonwealth, any actual or threatened invasion, domestic violence, or other great public danger, makes it necessary to render military aid to the civil power of the government for the enforcement of law, the preservation of peace, and the security of the rights, lives, or property of citizens, he may order into active service so much of the State Guard as he may deem necessary, and may employ them anywhere in this Commonwealth. The foregoing provision (section 8) of this law, relating to the subordination of the reserve militia to the civil power when called into active service, shall apply with equal force to the State Guard when employed in active service. When employed in active service, commissioned officers of the State Guard shall receive two and a half dollars, non commissioned officers one dollar and three quarters, and privates one dollar and a half per day, the same to be paid out of the Treasury on the warrant of the Auditor of Public Accounts, upon company pay-rolls, accompanied by copies of the orders bearing on the case, certified by the Adjutant General, and approved by the Governor by his own signature. Each officer and each enlisted man shall also be entitled to one ration per day, the ration to be the same as in the army of the United States, or commuted at the actual cost of subsistence.

Governor may call out State Guard in case of public danger.

Pay in active service.

See Constitution, art. 13, sec. 26.

Resignations and Discharges.

§ 37. The resignation of commissioned officers can be accepted only by the order of the Governor, and no enlisted man can be discharged from the service except by the order of the Governor, or by the order of such battalion, regimental, brigade, or division commander, as the Governor shall authorize to discharge men.

Governor to accept resignations and issue discharges.

Commissions.

§ 38. Commissioned officers shall all be commissioned by the Governor; and every officer shall, at the expiration of ninety days from his election, be brought before a board appointed by the Governor for examination as to his qualifica-

When and by whom commissions issued.

tions. Should his examination prove satisfactory, his commission shall then issue, to date from the time of his election; otherwise, his name shall be dropped from the roster of officers, and a vacancy shall be declared in his office.

Articles of War and Regulations.

U. S. military laws applied to State Guard.

§ 39. The acts of Congress for the government of the militia of the United States are in force in this State. The articles of war and laws governing the army of the United States shall be a part of this law, and also the rules and regulations for said army, so far as consistent herewith, and subject to such modification as the Governor may direct.

Distribution of Law.

Adjutant General to distribute this law.

§ 40. It shall be the duty of the Adjutant General to index and properly prepare this act, and such regulations as the Governor may add hereto, and have the same printed for distribution among the members of the State Guard.

Inspector General.

Inspections to be made.

§ 41. The Adjutant General shall be Inspector General of the forces of this State, and shall make such inspection of troops, arms, arsenals, armories, and public property, as the Governor may direct.

Equipping Companies.

Governor to direct how companies to be uniformed & armed.

See sec. 35.

§ 42. The Governor, by his regulations and rules for the government of the State Guard, as herein authorized, shall prescribe the conditions under which new companies shall be uniformed and armed, designating the kind of uniform each may wear, and the arms they shall use. He may, by his special order, designate which companies shall be so, in whole or part, equipped; or he may direct that such equipment, in whole or part, shall be made the object of competitive drill, discipline, administration, and organization.

Mustering Out.

Governor may muster out any part of the State Guard.

§ 43. The Governor shall have power to direct that any company or organization of the State Guard shall be mustered out of service when, in his judgment, the interests of the State Guard service require such action. No such mustering out of service shall relieve any officer of any bond he may have executed, for the safe-keeping and return of any public property supplied to such company; nor shall any officer, whose resignation is accepted, be thereby relieved from any liability under any such bond.

Of Distribution.

§ 44. The State Guard companies shall be organized in such portions of the State as the Governor shall deem best for the public good, for the protection of property, and suppression of violence and lawlessness: *Provided*, That not exceeding five companies, including all arms of the service, shall be established in any one county of the Commonwealth.

Governor to form companies, but not more than five in one county.
See sec. 9.

Repealing Clause.

§ 45. Chapter 76, entitled "Militia," of the General Statutes, and the amendments thereto, are repealed.

§ 46. This act shall take effect from its passage.

Approved April 8, 1878.

CHAPTER 896.

AN ACT to amend an act, entitled "An act to create a court of common pleas in the counties of Boyle, Garrard, Lincoln, Marion, Mercer, Rockcastle, and Washington," approved March 6, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to create a court of common pleas in the counties of Boyle, Garrard, Lincoln, Marion, Mercer, Rockcastle, and Washington," be amended by adding Pulaski county to the first section of said act.

§ 2. The regular terms of said court in the county of Pulaski shall be held on Tuesday after the fourth Monday in July, and on the third Monday in January, and continue as many juridical days as the business may require, so as not to conflict with other regular terms of said court.

§ 3. It shall be the duty of the Pulaski circuit court, at the close of its March term, 1878, to make an order transferring to said court of common pleas one half of the common law and equity causes left undisposed of in said circuit court; and the causes thus transferred shall be entered upon the docket of said common pleas court, and tried as if originally brought therein.

Transfer of causes.

§ 4. This act shall take effect from and after its passage.

Approved April 9, 1878.

CHAPTER 901.

AN ACT to amend and supplement an act, entitled "An act in relation to the Agricultural and Mechanical College of Kentucky, and to provide for the future management and location thereof."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in addition to the present endowment fund of the Agricultural and Mechanical College of Kentucky, realized under and by virtue of the act of Congress, approved July 2d, 1862, such portion of an allotment of proceeds of public lands made or to be made to the State of Kentucky, under the provisions of a bill now pending before the Congress of the United States, or any one similar thereto, as is not assigned by said act or acts to the common school fund, or is not dedicated to common school purposes, be, and the same is hereby, set apart and dedicated to the further support and endowment of the Agricultural and Mechanical College of Kentucky, or for the establishment and maintenance of a University of which said Agricultural and Mechanical College may be one of the Colleges: *Provided, however,* That not exceeding one fourth of said proceeds of public lands as aforesaid shall be devoted to the purposes herein mentioned in this section.

§ 2. That such portion of said proceeds of the sale of public lands as may be allotted to Kentucky by the provisions of said act of Congress, or any similar act for the aid and support of common schools, as is not dedicated as provided in section 1 to the Agricultural and Mechanical College, or for a university of which said Agricultural and Mechanical College shall be a college, shall be faithfully applied to the support of such common schools, so as to comply with the act of Congress making the donation: *Provided,* That if not in conflict with said act of Congress, the proportion of said fund or donation set apart for common school purposes, shall be distributed pro rata for the education of all the children of this Commonwealth, without regard to race or color, so that the per capita of each child from this fund shall be the same.

§ 3. That the Agricultural and Mechanical College, under its present management, shall be allowed to loan the interest on the fund arising from the sale of the land scrip donated

by Congress under the act of July, 1862, which accrues up to July 1st, 1878, to be applied as provided in the act establishing the Agricultural College in Kentucky, approved February 22d, 1865.

§ 4. That all the provisions of the act to which this is an amendment and supplement, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

§ 5. That the Agricultural and Mechanical College Commission shall have authority to employ a clerk for such time as is necessary, and at such compensation as they may deem proper, which shall be paid in the same manner as the expenses of the commission are paid as provided in the original act: *Provided*, Said compensation shall not exceed \$5 per day during the time actually engaged.

§ 6. This act shall take effect from and after its passage.

Approved April 9, 1878.

CHAPTER 903.

AN ACT to amend an act, entitled "An act to confer on quarterly courts jurisdiction misdemeanors in certain cases," approved March 18th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to confer on quarterly courts jurisdiction of misdemeanors in certain cases," approved March 18th, 1876, be amended as follows, to-wit: "In counties where no quarterly court is held, it shall be the duty of the judge of the county court in such counties to do and perform all the duties now required of the judge of the quarterly court under and by virtue of the provisions of said act.

§ 2. That the jury trying any case or cases under the provisions of said act, and the act as hereby amended, shall each be paid out of the jury fund, in the county in which such trial or trials are had, the sum of one dollar per day for each day they are so engaged. Said persons shall be paid in the same manner that persons in the circuit court are now paid.

§ 3. This act shall take effect and be in force from its passage.

Approved April 9, 1878.

CHAPTER 910.

AN ACT to provide for counting the vote for calling a Constitutional Convention.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Art. 12, Con-
stitution.

§ 1. That when due return shall have been made to the Secretary of State of the names of those who have voted for calling a Constitutional Convention, as provided in section 1 of an act, entitled "An act to take the sense of the people of this Commonwealth on the propriety of calling a Constitutional Convention," approved January 19, 1878, the Governor, Attorney General, and Secretary of State, and, in the absence of either, the Auditor, or any two of them, shall be a board for examining the same, and that the result, as tabulated by them, shall be duly certified and published, as in the case of elections for State officers.

§ 2. The board shall have power to employ such clerical force as may be necessary, for payment for which the Auditor shall draw his warrant upon the Treasurer for the amount certified by the board.

§ 3. The Secretary of State shall, at the same time that he transmits to the next General Assembly the list of those entitled to vote for Representatives, as provided in section 1 of the act hereinbefore cited, furnish to the General Assembly a duly certified copy of the vote, by counties, for a convention, as ascertained by the board of examiners.

§ 4. This act shall take effect from its passage.

Approved April 9, 1878.

CHAPTER 914.

AN ACT to repeal the provisions of chapter 134, entitled "An act to provide for the registration of marriages, births, and deaths," approved January 31, 1874, so far as same apply to clergymen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st sec. Act 1874.
See Gen. Stat.,
p. 902, B. & F.'s.

§ 1. That the provisions of chapter 134, entitled "An act to provide for the registration of marriages, births, and deaths," approved January 31, 1874, be, and the same is hereby, repealed, so far as same are made applicable to clergymen in this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved April 9, 1878.

CHAPTER 916.

AN ACT to amend an act, entitled "An act for the propagation and protection of food-fishes in the waters of Kentucky," approved March 20th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," approved March 20th, 1876, be amended so as to extend the provisions thereof to all the waters of Fulton, Hickman, and Union counties.

See Acts 1875-6,
1st vol., p. 124.

Extended to
Fulton & Hick-
man.

§ 2. This act to take effect and be in force from its passage.

Approved April 9, 1878.

CHAPTER 918.

AN ACT to prevent intoxication of judges, clerks, and Commonwealth's Attorneys in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be deemed a misdemeanor in office for any judge of the Court of Appeals, chancery court, circuit court, common pleas court, criminal court, or any clerk of either of said courts, or any Commonwealth's Attorney, holding his office by virtue of the Constitution of this State, or any law made in pursuance thereof, to be in a state of intoxication, produced by the use of malt or spirituous liquors, while on duty.

Misdemeanor
for officers to get
drunk while on
duty.

§ 2. It shall be the duty of the grand jurors of the respective courts of this Commonwealth to inquire into the sobriety or charge of intoxication against any of said officers; and if they shall find any of said officers as aforesaid guilty of intoxication while on duty, to indict said officer or officers for misdemeanor in office.

Grand jury to
inquire.

§ 3. If, upon the trial of an indictment against any of said officers, said officer should be convicted, it shall be the duty of the clerk of the court in which the conviction is had to forward to the Speaker of the House of Representatives, when the General Assembly shall be in session, a certified copy of all the proceedings there had.

Impeachment.

the Treasury, without the claim shall state on its face the law under which it is payable.

§ 2. This act shall take effect from its passage.

Approved April 8, 1878.

CHAPTER 963.

AN ACT to empower executors, administrators, and guardians to compromise with counties and cities when in default in the payment of their bonded debts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Compromise.

§ 1. That any executor, administrator, or guardian, who may hold any county or city bond or bonds in his or their fiducial character, and when such county or city is in default in the payment of either the principal or interest that may have accrued on the same, are hereby authorized to compromise any such indebtedness at the fair market value of the same, and may, if any such executor, administrator, or guardian deem it for the best interest of the person or persons so represented, receive in exchange for any such bond or bonds new bonds of any such county or city, on such terms as may be agreed upon.

Kenton and
Hart counties ex-
empted.

§ 2. The provisions of this bill shall not apply to the counties of Kenton and Hart.

§ 3. This act shall take effect from its passage.

Approved April 9, 1878.

CHAPTER 964.

AN ACT providing for the redemption of real estate sold under an order or judgment of a court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Land before sale
to be appraised.

§ 1. That before any real estate shall be hereafter sold, in pursuance of any order or judgment of a court, the commissioner or officer, whose duty it may be to sell the same, shall cause it to be valued, under oath, by two disinterested intelligent housekeepers of the county not related to either party. If they disagree, the commissioner or officer shall act as umpire. If a part only of a tract of land is sold, the part sold shall, after the sale, be re-valued in like manner.

If part not sold,
it to be valued.

§ 2. The valuation so made shall be in writing, signed by the persons making it, and returned by such commissioner or officer to the court which made the order or rendered the judgment for the sale of the property, and the same shall be filed among the papers of the cause in which the judgment was rendered or the order made, and also spread upon the records of the court.

Character of, and to be filed in court.

§ 3. If the real estate which may be sold in pursuance of such judgment or order does not bring two thirds of such valuation, the defendant and his representatives shall have the right to redeem the same within a year from the day of sale, by paying the purchaser or his representatives the original purchase money, and ten per centum per annum interest thereon. The defendant redeeming his land shall take receipt from the purchaser, and lodge the same with the clerk of the court, and the same shall be entered upon the records of said court. The defendant may tender the redemption money to the purchaser, his agent or attorney, if in the county where the land lies, or in the county in which the judgment is obtained or order of sale made; and if the same is refused, or if the purchaser do not reside in either of said counties, the defendant may, before the expiration of the year, go to the clerk of the court in which the judgment is rendered or the order made, and make affidavit of such tender and refusal, or that the purchaser, his agent or attorney, does not reside in either of said counties. Thereupon he may pay to such clerk the redemption money for the purchaser, and the clerk shall give a receipt therefor, and file said affidavit among the papers of the cause. When the right of redemption exists, the defendant may remain in possession of the property until it expires. Real estate so sold shall not be conveyed to the purchaser until the right to redeem the same has expired; and if the same be redeemed in accordance with the provisions of this act, such sale thereof shall, from and after such redemption, or from and after such deposit of the redemption money with the clerk, be null and void.

If for less than two thirds, may be redeemed in one year.

Receipt to be taken and recorded.

To whom to tender.

Clerk, when to receive.

Defendant to have possession for one year, when, &c.

§ 4. If the judgment in pursuance of which such sale is made be not satisfied by such sale, the right of redemption herein provided for may be sold in satisfaction of the residue of such judgment; and the said right of redemption shall also be liable to sale under execution. The land shall, in

Equity of redemption may be sold & redeemed.

Report of sale.

such case, be still liable to redemption from both purchasers until the end of a year from the first sale. The purchaser of the right of redemption may, before the end of a year from the first sale, pay the prior purchaser his purchase money and interest, as herein provided for; and in that event be entitled to the land, unless redeemed by the defendant. A sale made in pursuance of any such judgment or order, shall be reported to the court by the commissioner or officer who may make the same, and such report shall state at what sum the property sold was appraised. If no exception be taken to the sale, the sale may be confirmed. If the land be redeemed in accordance with the provisions hereof, such confirmation shall be thereafter null and void.

§ 5. The provisions of this act shall not affect the provisions of chapter thirty-eight of the General Statutes, title "Executions."

§ 6. This act shall be in force from its passage.

Approved April 9, 1878.

CHAPTER 970.

AN ACT to impose a tax on shares of stock in National Banks in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fifty cents on
each share of
\$100.

§ 1. That an annual tax of fifty cents is assessed, and shall be collected, on each share of stock equal to one hundred dollars in any bank located within the limits of this Commonwealth, organized under the laws of the United States, usually denominated National Banks; or on each one hundred dollars of stock therein owned by individuals, corporations, or societies.

Cashier.

Cashier and
sureties liable
for, &c.

§ 2. That the cashier of each of said banks whose stock is hereby taxed shall, on the first day of July in each year, pay into the Treasury the amount of tax due. If such tax be not paid, the cashier and his sureties shall be liable for the same, and twenty per cent. upon the amount.

§ 3. That nothing in this act shall be considered as construing the law as it now exists in regard to taxation of National Banks doing business in this State.

Approved April 9, 1878.

CHAPTER 973.

AN ACT to amend chapter 18, General Statutes, "Common Schools."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful at any time during the year to submit the question of local taxation, after notice has been posted by the chairman of the board of trustees at three prominent places in the district for fifteen days preceding. When clearly stated in the notices, the tax may be voted for five successive years.

Gen. Stat., p. 209, art. 11, sec. 2, and sec. 9, p. 227, art. 7.

2. That the board of trustees may appoint a collector of district taxes, who shall have the power to collect by distraint, as sheriffs are now empowered to collect the State revenue. He may be required to give bond for the faithful performance of his duties, and shall make settlement with the board of trustees. The duties prescribed for the sheriff in section 2 of chapter 18 shall be complied with by said collector.

Collector.

§ 3. That the word "patrons," in section 9, article 7, chapter 18, shall be construed to mean only those who actually send children to the school.

§ 4. This act shall take effect from its passage.

Approved April 9, 1878.

CHAPTER 948.

AN ACT to establish a Normal School.

WHEREAS, The State Board of Education contemplate organizing a Normal School, to be conducted by the professional members thereof, assisted by other representative teachers, for a term of ten weeks in the months of June, July, and August, of the years 1878 and 1879; and whereas, the Superintendent of the Kentucky Military Institute has tendered the use of the buildings, apparatus, and library of that institution, so admirably suited for the purpose, thus securing a minimum price of board; and whereas, the Superintendent of Public Instruction has secured all the aids necessary for the illustration of the most approved modern methods of teaching; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Superintendent of Public Instruction, Professors R. D. Allen, W. H. Bartholomew, and S. P. Browder, are

Faculty.

Curriculum.

hereby constituted a faculty, for the conduct and instruction of said Normal School; and are hereby empowered to determine the curriculum of study that shall be pursued, and to enact and enforce such rules and regulations for the government of the pupils as in their judgment may be deemed proper.

§ 2. When a teacher shall complete the course prescribed in said Normal School, and in the opinion of said faculty is worthy of such an honor, they shall report the fact to the State Board of Examiners, and they shall issue a State certificate without charge, which shall entitle the holder thereof to teach for five years in any of the common schools of Kentucky, unless such certificate shall be revoked by the common school authorities for immorality, neglect of duty, or other legal causes.

Art. 12, p. 232,
Gen. Stat.

§ 3. Any teacher attending said Normal School for more than one week shall not be required to attend any county institute for that year.

§ 4. The Superintendent of Public Instruction shall make known to the teachers of Kentucky the establishment of said schools, and their advantages and privileges with reference thereto.

§ 5. This act shall take effect from its passage.

Approved April 9, 1878.

CHAPTER 975.

AN ACT to prevent intoxication of county officers in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be deemed misfeasance in office for the judge of any county court, justice of the peace, sheriff, coroner, surveyor, jailer, county assessor, attorney for a county, constable, police judge, marshal, or clerk of any chancery or police court, while engaged in, or by law required to be engaged in, the discharge of his official duties, to be in a state of intoxication produced by the use of malt, vinous, or spirituous liquors.

§ 2. It shall be the duty of the grand jurors of the respective courts of this Commonwealth to inquire into the sobriety or charge of intoxication against any of said officers; and if

they shall find any of said officers guilty as aforesaid of intoxication, to indict said officers for misfeasance in office.

§ 3. If, upon the trial of an indictment against any of said officers, said officer should be convicted, it shall be the duty of the court to declare the office of the officer found guilty vacant, and to enter an order upon the records of the court removing said officer from office.

§ 4. It shall be the duty of the judges of the courts having jurisdiction to give this act in charge to every grand jury.

§ 5. This act to take effect from its passage.

Approved April 9, 1878.

CHAPTER 978.

AN ACT to change the times of holding the criminal court in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the spring term of the criminal court in the county of Carroll shall begin on the first Monday in May, and continue twelve juridical days; and the fall term of said court shall begin on the first Monday in November, and continue twelve juridical days.

§ 2. This act shall take effect from and after the first day of June, 1878.

Approved April 10, 1878.

CHAPTER 997.

AN ACT to amend chapter 94 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 29 of chapter 94 of the General Statutes be amended as follows: By striking out of the eighth line of said section the words "the court of claims," and insert in lieu thereof, "the most convenient justice of the peace of his county on or before the first of October of each year, and said justice shall report the same to the court of claims."

§ 2. That section 30 of said chapter be amended by striking out all of said section after the word "valuation," in the eleventh line, and inserting in lieu thereof, "any person fur-

nishing team and tools, as mentioned and provided in said section, shall be credited for the same at the rate of two dollars per day for plow and team, and he shall be excused from said road at the next working until he is made even on account of said team or tools; but in no event shall any claim for such services be brought against the county." All laws in conflict herewith are hereby repealed. The provisions of this law shall only apply to the counties of Lawrence, Boyd, Webster, and Ballard.

§ 3. This act to take effect from its passage.

Approved April 10, 1878.

CHAPTER 998.

AN ACT to amend section 19, chapter 42, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 19, chapter 42, of the General Statutes, be amended as follows, viz: Any one who shall, without reward, transport any person or thing across the Ohio river within one half mile of an established ferry, unless it be the owner of an established ferry on the other side of the Ohio river, so transporting to such point on this side of said river, and owner, or lessee, or servant of the owner of a ferry on the other side of said river, or any other person who shall so transport from this side without reward, shall be subject to the penalties and responsibilities now provided in said section 19; and any one violating the provisions of said section, or as amended by this act, shall be also fined not less than five nor more than twenty-five dollars, to be tried before a justice of the peace: *Provided*, That this act is not intended to apply to any *bona fide* owner of a skiff or other water craft, who may transport their property and family across said river. That the provisions of this bill shall only apply to Boone county.

§ 2. That this act shall take effect sixty days after its passage.

Approved April 10, 1878.

CHAPTER 1006.

AN ACT to provide for the improvement of the navigation of the Kentucky river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to provide a fund for the purpose of improving the slack-water navigation of the Kentucky river from its mouth to the Three Forks, in Lee county, and as far up the same as slack-water improvements may be found practicable and necessary, it shall be lawful for the several counties contiguous to the said river, or any of its tributaries, for the justices' districts, cities, and towns within said counties, for the city of Louisville, for private corporations, companies, or individuals, to raise a fund for the purpose aforesaid, to be known as the "Kentucky River Improvement Fund."

Lawful to raise a fund, Kentucky River Improvement Fund.

§ 2. Said fund shall be divided into shares of one hundred dollars each, and subscriptions shall be made for so many shares as the subscribers thereto may desire. The number of shares shall be ten thousand, but no payments thereon shall be required until one thousand shares shall have been subscribed.

Shares.

No payment until 1,000 shares taken.

§ 3. The county judge of any of said counties shall, upon the petition of not less than twenty citizens of his county, or of any justices' district therein, who each pay taxes on real estate in such county or district of the assessed value of at least one thousand dollars, summons the justices of the peace of the county to meet at the court-house at the next regular county court day; and should a majority of such justices fail to attend, he shall adjourn those present from day to day, and compel the attendance of the absent justices by process of attachment. When a majority of all the justices of the peace in commission in the county are present, he shall submit to them the proposition whether they will submit to a vote of the qualified voters of the county, or of the justices' district (as the case may be), a proposition to vote a subscription to the Kentucky River Improvement Fund.

Justices to be summoned.

May submit question to the voters, &c.

§ 4. In the event that a majority of all the justices in commission in the county decides in the affirmative, it shall be the duty of those present to fix the number of shares to

Tax shall not be greater than one per cent.

be voted on, shall not exceed in amount one per cent. on the valuation, as shown by the assessor's book, of all the taxable property of the county or justices' district, to the qualified voters of which said subscription is to be submitted; and an order shall be entered in the order-book of the court setting forth the facts, and directing the sheriff, or other officer whose duty it is to hold elections, to open a poll at all the voting places in such county or justices' district (as the case may be) at the next regular election to be held in the county at which all the qualified voters thereof are entitled to vote, and not less than forty days from the date of the order, for the purpose of taking the sense of the qualified voters of the county or justices' district on the aforesaid proposition; or said justices may order a special election for said purpose at any time before the next regular election, provided the same be held not less than forty days after the order therefor, and provided the same conform in all other respects to the provisions of this act. The clerk of the county court shall, within five days from the making of said order, deliver a certified copy thereof to the sheriff or other officer whose duty it is to hold said election, who shall cause the same to be published in a newspaper of general circulation in the county, if such be published therein, and shall advertise the same, by printed handbills, posted one at the court-house door, and one at five or more conspicuous places in every voting precinct in the county or justices' district in which the vote is to be taken.

Special election.

County clerk.
Sheriff.

Notice of election to be published.

Poll at voting places.

Return of polls, examination, &c., thereof.

§ 5. The sheriff or other officer, whose duty it is to hold elections, shall open a poll at every voting place in the county or justices' district to which the question of said subscription shall be submitted; and the election officers shall propound to every qualified voter who may come forward to vote the question, "Are you in favor of this county or justices' district (as the case may be) subscribing — shares, amounting to — dollars (as the justices may have determined, as aforesaid), to the Kentucky River Improvement Fund?" And his vote shall be recorded for or against it, as he may direct. The polls shall be returned as the other polls in said election, and shall be examined and compared by the same officers at the same time they compare the other polls. But if the election be a special election, the polls shall be compared by said officers upon the Monday next succeeding said election.

§ 6. If, upon such examination and comparison, it is ascertained that two thirds of the legal votes cast at said election was given in favor of said subscription, the examining board shall certify to that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept. And at the next regular term of the county court it shall be the duty of the judge thereof to have the said certificate entered upon the order-book, and the county judge shall thereupon subscribe, in the name and on behalf of the county or justices' district so voting, the amount of subscription so voted for said fund, which shall be made by entering on the order-book of said court an order, in substance, as follows:

Certificate of
examining board,
what, &c.

Entry on order-
book.

"—— county, or justices' district No. —, in —— county (as the case may be), subscribes —— shares, amounting to \$——, to the Kentucky River Improvement Fund, to be paid out of the proceeds of \$—— in the bonds of said county, bearing eight per cent. per annum interest, in such installments as the Commissioners of the Sinking Fund may require. ——, presiding judge of ——, 187—." It shall be the duty of the clerk of said court immediately to forward to said Commissioners, at Frankfort, a certified copy of said order, which shall be held conclusive evidence of the validity of said subscription.

§ 7. It shall be the duty of the county judge to summon all the justices to attend at a court to be held on the Monday next succeeding said subscription; and a majority of said justices being in attendance, it shall be their duty to provide ways and means for raising the money so subscribed to said fund, by issuing the bonds of the county in denominations of one hundred dollars each, or some multiple thereof, bearing interest not exceeding eight per cent. per annum, the interest payable annually, with interest coupons attached. The bonds shall be made payable at such time or times as the court may designate, but not to exceed twenty years from the date thereof; and it shall be the duty of the county judge to negotiate and sell said bonds upon the best terms he can obtain, so as to meet the payments that may be required from time to time by the Commissioners of the Sinking Fund on the subscription of said county or justices' district to said improvement fund. Said justices shall also assess and levy such a tax upon the taxable property of said county or justices' district, as will be sufficient to pay the annual interest on said bonds, and

Ways and
means for raising
said money.

Eight per cent.
interest.
Bonds.

Sale of.

Assess and levy.

Sinking fund.

to create a sinking fund to pay the principal at their maturity, which tax shall be collected and accounted for as the other county taxes of said county. All the moneys subscribed and paid to the Commissioners of the Sinking Fund under the authority of this act shall be placed by them in the Treasury of the State to their credit, and shall be kept separate and distinct from all other moneys in said Treasury, under the head of the "Kentucky River Improvement Fund," and shall be disbursed as hereinafter provided.

Municipal authorities, cities, &c.

§ 8. The municipal authorities of the city of Louisville, or of any city or town in any of the counties aforesaid, upon the petition of any ten residents thereof, who severally pay a tax upon real estate in such city or town of the value of one thousand dollars, may order a vote to be taken of the qualified voters of such city or town, upon the question of subscribing to said fund, and for that purpose may fix the amount proposed to be subscribed, which amount shall not exceed one per cent. on the valuation of all the taxable property of the city or town, to the qualified voters of which said subscription is to be submitted, as shown by the last previous assessment; the time of taking said vote, the mode of conducting said election, and ascertaining the result; and if said subscription is carried in the affirmative by two thirds of the votes cast, they shall cause said subscription to be made by an entry upon the record of their proceedings of the number of shares and amount subscribed, and the terms and mode of its payment. Said entry shall be, in substance, as follows: "The city (or town) of ——— hereby subscribes ——— shares, amounting to ——— dollars, to the Kentucky River Improvement Fund, to be paid to the Commissioners of the Sinking Fund, out of the proceeds of ——— dollars in the bonds of said city or town, bearing eight per cent. per annum interest, in such installments as said Commissioners may require. ——— day of ———, 187—, ———, mayor (or chairman)."

Evidence.

It shall be the duty of such mayor or chairman to forward immediately to said Commissioners, at Frankfort, a certified copy of said order, which shall be held conclusive evidence of the validity of said subscription. It shall be the duty of the municipal authorities of every city or town in which such a subscription is made, to provide the means for the payment thereof, according to the terms of the same, by the issue and sale of their bonds, and the levy of such a tax

Ways and means fund to be provided.

upon the taxable property and persons of such city or town as will be sufficient to pay the interest thereon as it accrues, and the principal at its maturity: *Provided, however,* That the provisions of this act shall not apply to the fourth legislative district of the city of Louisville, composed of the sixth and seventh wards of said city; and, in case any bonds may be issued by said city in pursuance of the provisions of this act, the same shall in no way be a charge upon the property listed for taxation in said wards of said city; and any such bonds that may be thus issued shall state upon their face that the property listed for taxation in said wards is exempted from all liability for the payment of such bonds.

§ 9. It shall be the duty of said Commissioners of the Sinking Fund to provide books for the subscription of stock to said fund by corporations, companies, or individuals, prescribe the times for the payment thereof, and appoint agents for soliciting the same, which books shall remain open until the whole amount of one million of dollars is subscribed. The county court of any county, the municipal authorities of any city or town, any corporation, company, or individual subscribing to said fund, shall have the right, in their subscription, to direct to what locks and dams on said river their subscription shall be applied, and it shall be so applied. And whenever, in the judgment of said Commissioners, a sum sufficient to rebuild any old dam, or to construct any new lock and dam, has been subscribed to such old dam, or to such new lock and dam, it shall be their duty to commence work thereon, and to proceed therewith as fast as the fund thus subscribed will justify: *Provided, however,* That no work shall be commenced, and no money shall be expended, until an aggregate sum of one hundred thousand dollars is subscribed.

Any fund may, by payors, be set apart for particular portion.

§ 10. When an election has been held in any county, justices' district, city, or town, upon the question of voting a subscription to said fund, and it has been decided in the negative, a second election shall not be held therein for that purpose within less than one year from the date of the former vote; nor shall a vote upon the question of an additional subscription be taken within less than one year after the first vote. And no election shall be ordered under the provisions of this act until the persons petitioning for the same shall have deposited with the chief officer of the county, city, or town

Only one election a year.

in which it is proposed to hold the same, sufficient money to pay the expenses of advertising and holding said election.

Subscriptions
by corporations,
companies, and
individuals.

Suit.

Forfeiture and
sale of stock.

Receipt for pay-
ments.

Engineer, plans,
&c.

§ 11. Subscriptions by corporations, companies, or individuals shall be made in shares of one hundred dollars each, in the books to be provided as aforesaid; but no such subscription shall be considered due and payable until one hundred thousand dollars in the aggregate has been subscribed; and upon the refusal or neglect of any such subscribers to pay their subscriptions, or any part thereof, according to the terms thereof, suit may be brought and recovery had therefor, in the name of the Commissioners of the Sinking Fund, for the benefit of the Kentucky River Improvement Fund, in the Franklin circuit court, or any other court having jurisdiction thereof; or on default of payment of any call for sixty days after the time at which it is required to be paid, said Commissioners may declare said subscription and any payments made thereon forfeited, and may sell the stock so forfeited at public auction, on ten days' notice, by publication in some newspaper published in Frankfort.

§ 12. It shall be the duty of said Commissioners to issue to any county, city, town, corporation, company, justices' district, or individual, a receipt for any and all payments made by them respectively on their subscriptions, with the date of said payment, and stating in said receipt that the holder thereof is entitled to interest thereon at the rate of eight per cent. per annum on said amount, payable, with the principal, out of the tolls on the Kentucky river, as hereinafter provided.

§ 13. That when it shall be ascertained by said Commissioners that the sum of one hundred thousand dollars in the aggregate has been subscribed to said fund, it shall be their duty to employ a competent engineer to make plans, specifications, and estimates for the rebuilding of the old dams and repairing the locks and lock walls on the Kentucky river; said dams to be built with stone laid in hydraulic cement, if in the judgment of said Commissioners the subscriptions thereto will be sufficient for that purpose; or they may have them built with timber and stone, if they deem it most advisable to do so. All said locks and dams shall be so constructed as to furnish a depth of at least six feet of water, at all seasons, on the miter sills of the locks. Upon the approval of the report of said engineer, said Commissioners shall have

the power to employ all agents, superintendents, and guards necessary to have said work done, in part, by convict labor; and for that purpose they shall call upon the Governor, from time to time, for such number of the able-bodied male convicts in the Penitentiary as they may deem necessary to use on said work, provided that there be in said Penitentiary, at the time of such call, the number of convicts required, authorized to be used on State work. Upon such requisition, it shall be the duty of the Governor to issue his order upon the Keeper of the Penitentiary for the number of convicts so required, to be transported, under proper guard, to said work, and to be properly guarded, suitably and comfortably fed, lodged, and clothed, and provided with proper medicines and medical attention while so employed. They shall be regulated, controlled, and worked, and in all respects provided for, as far as practicable, in the same manner as convicts in the Penitentiary. All the expenses attending the transportation and working of convicts under the provisions of this act shall be paid by said Commissioners out of the said River Improvement Fund. It shall be the duty of the Keeper of the Penitentiary to furnish a list of the names, and date of expiration of the term of confinement, of every convict so delivered; and upon the expiration of the term of confinement of any such convict, or his pardon by the Governor, he shall be paid the liberation money, and be furnished with the clothing now required by law, to be paid out of said fund.

Convicts.

Lessee of Penitentiary.

§ 14. Said Commissioners shall have the power to contract with the present Keeper of the Penitentiary for the use of such of the convicts therein as they may think advisable to be used on said work during the present lease, and upon such terms as may be agreed upon, not, however, to exceed the rate of ten cents per day for each convict so contracted for.

Convict labor.

§ 15. Said Commissioners are hereby authorized to make all contracts necessary to rebuild the present dams and repair the locks and lock-walls now on said river, and to purchase or receive any land necessary for building additional locks and dams, and lock-houses and appurtenances, and to erect and build any additional locks and dams on said river, from time to time, as the fund hereby authorized to be raised may be sufficient to justify. And upon failure to make purchase of any lands for the purposes above mentioned, or failure to purchase any timber, stone, or other materials necessary for

Authority of commissioners to rebuild and repair, &c.

said work, they may have a survey made of any land or material desired by them for that purpose; and upon filing the same with the clerk of the county court of the county in which the same is located, with their petition asking the condemnation of the same, a writ of *ad quod damnum* shall be issued for the condemnation of the same, and such proceedings had thereon as are authorized by law in the condemnation of land or materials for the construction of turnpike roads.

Ad quod damnum.

§ 16. Upon the completion of any lock and dam under the authority of this act, said Commissioners shall fix the rate of tolls at such lock, not to exceed, however, the rates in force at the passage of the act abolishing the Board of Internal Improvement of this State, and appoint a collector of tolls for said river, and a lock-keeper at each lock, who shall give bond and good security to the Commonwealth, to be approved by said Commissioners, for the faithful discharge of their duties, and all duties required of them by said Commissioners, and upon which bond suit may be prosecuted and recovery had by said Commissioners, or any person injured by breach of said conditions, in any court of competent jurisdiction. All agents, superintendents, guards, collectors, lock-keepers, or other employes of said Commissioners, shall be removable at the pleasure of said Commissioners.

Rate of tolls.

Bond.

§ 17. The counties, cities, towns, corporations, companies, justices' districts, or persons who shall pay any money to carry on said work, shall be entitled to a lien upon the tolls and rents, for the use of water-power, which may be realized from said navigation—first, for the payment of the accruing interest, at the rate of eight per cent. per annum, payable semi-annually, and secondly, to pay the principal of said debt. All of said tolls and rents, from use of water-power on said river, shall be paid into the Treasury of the State to the credit of said Commissioners, and constitute a part of said fund; and after paying the current expenses and cost of necessary repairs, and the interest on the principal debt, the balance shall be applied annually to the payment *pro rata* of the debt itself, and so on until the entire debt is extinguished. In cases where counties, cities, or towns shall have issued bonds which are not due, then said Commissioners shall pay to such counties, cities, or towns their respective *pro rata* share of the money, to be applied by them to the

Payment of debts of.

Lien, priority of

principal of the debt when the same shall fall due, and which shall be held sacred as a fund for the final payment of such bonds by such counties, cities, or towns.

§ 18. It shall be the duty of the superintendent of said work to make out and furnish to said commissioners, as the work progresses, a monthly statement, showing the amount of the work done, in an itemized form, and the cost of the same, and to whom due, and also an estimate of the amount of money necessary to settle the accounts of such months, according to the contracts under which the work is being done, and also an approximate estimate of the money necessary to be raised for the next month; and if approved by said Commissioners, they shall certify the amounts so due to the Auditor, who shall draw his warrant on the Treasury for the same in favor of the party to whom the same is due, which, and all other money due any other person on account of said work, shall, upon being so certified to said Auditor, be paid by his warrant on the Treasurer, out of said River Improvement Fund.

Monthly statement.

§ 19. Any convict who, after being delivered over to said Commissioners, under the provisions of this act, shall make his escape, shall, upon conviction in the Franklin criminal court, be punished by a further confinement in the Penitentiary for a period of two years, to commence after he has served out the time for which he was first convicted.

§ 20. All the provisions of chapter fifty-four of the Revised Statutes which were applicable to the slack-water navigation of the Kentucky river, so far as they are consistent with the provisions of this act, are hereby re-enacted and declared in full force.

§ 21. This act shall take effect from its passage, and all laws inconsistent with its provisions are hereby repealed.

§ 22. That the provisions of this bill shall not apply to the counties of Clark, Mercer, Gallatin, Boyle, Henry, Lincoln, Fayette, Scott, and the city of Lexington; and these counties shall be exempt from the provisions of this bill only in so far as it proposes to authorize a subscription by said counties.

Approved April 10, 1878.

CHAPTER 1007.

AN ACT to amend the revenue laws of the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., sec.
2, art. 7, p. 726.

§ 1. That whenever a person shall, in pursuance of section 2, of article 7, of chapter 92, of the General Statutes, make an application to a county court to have a charge of tax or county levy against him corrected, it shall be the duty of such court, upon proof being heard, to make an order correcting or refusing to correct the same; and if more than fifty dollars be involved in such controversy, exclusive of interest and cost, an appeal may be prosecuted by such person to the circuit court of the county in which the assessment was made. Such appeal shall be taken and prosecuted in the same time, and in the same way and manner, as is required by law in reference to appeals from the judgments of quarterly courts to circuit courts. No bill of exceptions shall be required in the county court, and the cause shall be tried anew in the circuit court.

§ 2. This act shall be in force from its passage.

Approved April 10, 1878.

CHAPTER 1015.

AN ACT for the benefit of S. L. Chevis, of Lexington, Kentucky.

WHEREAS, The General Assembly of the Commonwealth of Kentucky, about the year 1867, made an appropriation for the purpose of making additional buildings and improvements to the Eastern Lunatic Asylum, at Lexington, Kentucky; and whereas, a large surplus of said appropriation was returned to the Treasury of the State after the completion of the improvements aforesaid; and whereas, S. L. Chevis, of Lexington, Kentucky, was the contractor for the carpenter's work and materials of said improvements, who claims that there is a balance due him on said contract since 1st of July, 1868, when said contract was completed, and that he has used due diligence to collect the same, without success, and finally appealed for redress to the General Assembly of this Commonwealth in 1873-'4; and whereas, the General Assembly did, at their last session, authorize the Governor of Kentucky to appoint commissioners for the purpose of investigating the

claim of said Chevis for said balance claimed to be due him as above-named; and whereas, the Governor, in pursuance of said authority, appointed R. S. Bullock, W. V. Cromwell, and J. Soule Smith, all of the county of Fayette, and State of Kentucky, commissioners in said case, whose uncompleted report was made and received by the House of Representatives just before its final adjournment, March 20th, 1876, which was spread on the House Journal of that date, commencing on page 1343 and terminating on page 1353, showing a balance due Chevis; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be, and is hereby, empowered, and shall appoint in a reasonable time, three commissioners, who shall ascertain and audit all of the claims of S. L. Chevis against the Commonwealth for the alleged balance claimed by him to be due upon his unsettled account. It shall be the duty of the Attorney General to represent the Commonwealth in said investigation. If said commissioners shall ascertain that any balance is justly due by the Commonwealth to S. L. Chevis, they shall report the result of their investigation to the next General Assembly, and their award shall not be for more than three thousand dollars. The commissioners appointed by the Governor shall, before they proceed to the discharge of the duties imposed upon them, take an oath faithfully and honestly to discharge said duties.

§ 2. *Provided*, No interest shall be charged upon the amount found due him by the commission up to the time he presented and asked relief from the Legislature, viz: the 1st of January, 1876.

§ 3. This act shall take effect from its passage.

Approved April 10, 1878.

CHAPTER 1026.

AN ACT to protect the bee-keepers of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person or persons who shall sell or cause to be sold any manufactured honey, unless such honey is so represented and designated as manufactured honey, shall, for the

Manufactured
honey must not
be represented as
bee-honey.

first offense, be fined in any sum not less than ten nor more than one hundred dollars; and for each repeated offense shall be fined not less than fifty nor more than two hundred and fifty dollars.

Fine.

Not to contain
any injurious
substance.

Fine for.

§ 2. That any person or persons who shall sell or cause to be sold any such manufactured honey which contains any substance injurious to health, shall, for the first offense, be fined in any sum not less than ten nor more than one hundred dollars, and, for each repeated offense, shall be fined not less than fifty nor more than two hundred and fifty dollars; and such adulterated articles, by order of the court, shall be destroyed.

§ 3. This act shall take effect from its passage.

Approved April 10, 1878.

CHAPTER 1030.

AN ACT to regulate tolls on the turnpikes and gravel roads in this Commonwealth, and to impose a penalty for excessive illegal charges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., chap.
110, p. 821, et seq

Fine.

§ 1. That if any toll-gate keeper, on any turnpike or gravel road in this Commonwealth, shall charge a greater rate of toll than that fixed and prescribed by the General Statutes, he shall be fined ten dollars for each offense; and if the corporate authorities or owners of any such road authorize a greater charge, they shall be fined fifty dollars for every excessive charge made by their authority.

To be given to
grand jury.

§ 2. It shall be the duty of the courts to give this act in charge to the grand juries, and the county and district attorneys to enforce the same by warrant or indictment.

§ 3. This act affect the rates of toll fixed and prescribed in turnpike charters granted during this session, or those roads which have, by special acts or charters granted at this session, been exempted from, or are allowed to charge greater rates of toll than those fixed and allowed by the General Statutes.

§ 4. This act shall take effect June 1, 1878, and repeal all acts in conflict with the same.

Approved April 10, 1878.

CHAPTER 1031.

AN ACT to change and regulate the time of holding criminal courts in the fourteenth judicial district, amendatory of an act, entitled "An act to establish a criminal court in the fourteenth judicial district," approved March 13th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the regular terms of the criminal court in the various counties of the fourteenth judicial district shall, after this act takes effect, be held as follows:

See 1st vol. of
Acts 1875-6, p.
64, et seq.

In the county of Mason, commencing on the third Mondays in January and May of each year, and continue twelve judicial days; and on the fourth Monday of August of each year, and continue eighteen judicial days, if the business require it.

In the county of Nicholas, commencing on the first Mondays in May and November of each year, and to continue twelve judicial days each, if the business require it.

In the county of Fleming, commencing on the third Mondays in April and October of each year, and to continue twelve judicial days each, if the business require it.

In the county of Lewis, commencing on the fourth Monday in June, and third Monday in November of each year, and to continue twelve judicial days each, if the business require it.

In the county of Greenup, commencing on the first Mondays in April and October of each year, and to continue twelve judicial days each, if the business require it.

In the county of Rowan, commencing on the first Monday in March, and the third Monday in July of each year, and to continue twelve judicial days, if the business require it.

§ 2. This act shall take effect and be in force from and after the 10th day of July next (1878).

Approved April 10, 1878.

CHAPTER 1033.

AN ACT to amend part three of section eight of an act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State, approved March 20, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Deposits of
money and how
to be drawn out.

§ 1. That part three, section eight, of an act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State, be amended by adding the following: All money appropriated by the State for the use and support of the Eastern Lunatic Asylum, or collected from any source for the use of pay patients, or any other purpose, by the treasurer of said institution, shall be deposited in bank as now provided by law; and it shall not be lawful for the officers of such bank to pay out said money, or any portion thereof, unless the checks therefor are signed by the said treasurer of the asylum, and countersigned by the president of its board of commissioners.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved April 10, 1878.

CHAPTER 1039.

AN ACT to amend chapter 56 of the General Statutes, title "Incorporated Companies."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., p. 548

§ 1. That chapter 56 of the General Statutes, title "Incorporated Companies," be, and the same is hereby, amended by striking out the seventh section thereof the following words, namely: "The articles of incorporation shall provide a mode by which a member may, at any time, withdraw from such incorporation, and also the mode of determining the amount to be received by such member upon withdrawal, and for the payment thereof, subject only to the rights of the creditors of the corporation."

§ 2. That all laws in conflict herewith are hereby repealed.

§ 3. This act shall be in force from its passage.

Approved April 10, 1878.

CHAPTER 1045.

AN ACT to change and regulate the time of holding the circuit courts in the fourteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the circuit courts in the fourteenth judicial district shall commence, and the duration thereof be, if the business require it, as herein prescribed, namely:

1st vol. Acts
1875-6, p. 61, et
seq.

In the county of Fleming, beginning Tuesday after the first Monday in February and August, and continue each seventeen judicial days.

In the county of Greenup, beginning the fourth Monday in February and August, and continue each eighteen judicial days.

In the county of Nicholas, beginning Tuesday after the third Mondays in March and September, and continue each seventeen judicial days.

In the county of Mason, beginning Tuesdays after the second Mondays in April and October, and continue each twenty-nine judicial days.

29 days.

In the county of Rowan, beginning the third Monday in May and November, and continue each twelve judicial days.

Third Monday.

In the county of Lewis, beginning on the first Monday in June and December, and continue each eighteen judicial days.

First Monday
June and Decem-
ber.

§ 2. This act shall take effect and be in force from and after the first day of July next (1878).

Approved April 10, 1878.

CHAPTER 1048.

AN ACT to provide for transfer of causes to and from the Campbell circuit and chancery courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter, when the judge of the Campbell circuit or chancery court cannot properly or declines to preside, in any cause pending in his court, it shall be lawful to transfer said cause to the docket of the other court, which shall have jurisdiction to determine said cause so transferred.

§ 2. This act shall take effect on the first day of April, 1878.

Approved April 10, 1878.

CHAPTER 1052.

AN ACT to amend an act, entitled "An act to establish the county of Leslie," approved March 30, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish the county of Leslie," approved March 30, 1878, be so amended that William Sizemore, Samuel Maggard, John Melton, William Felkner, John Slusher, and Giles French, be, and they are hereby, appointed commissioners to lay off the county of Leslie into magisterial districts, not exceeding five. They will meet at the house of John Lewis on the fourth Monday in May, 1878, and after being duly sworn that they will fairly and impartially discharge the duty required of them by this act, and after the county seat of Leslie county is located, proceed to lay off said county into said magisterial districts, one of which shall include the county seat. They will give the bounds of each district laid off by them, and will locate the voting place in each. They will make out, in writing, a report of their acts and doings under this act, and forward one copy to the Secretary of State, and leave one copy with John Lewis, which said Lewis shall deposit with the county court clerk of Leslie county as soon as one is elected and qualified, who shall preserve the same and spread it of record on the order-book of his office.

§ 2. That as soon as the report of said commissioners is received in the office of Secretary of State laying off Leslie county into magisterial districts, it shall be the duty of the Governor to appoint election officers for the different precincts, who shall hold and conduct elections in said precincts for the year 1878.

§ 3. All county officers of said county shall be elected on the first Monday in August, 1878, and shall hold their offices for the terms and in the manner prescribed by the laws of this Commonwealth.

§ 4. The county of Leslie is hereby attached to the Ninth Congressional District, and shall vote for the election of a Representative in the Congress of the United States with said district.

Ninth Congressional District.

§ 5. This act, and the act to which this is an amendment, shall take effect and be in force from and after the 12th day of April, 1878.

Approved April 10, 1878.

CHAPTER 1053.

AN ACT changing the time of holding the Morgan and Elliott circuit courts in the thirteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved January 25th, 1876, be, and the same is so amended, that hereafter the Elliott circuit court shall commence on the Monday succeeding the Wolfe circuit court, and continue nine juridical days; and the Morgan circuit court shall begin on the Thursday succeeding the Elliott circuit court, and continue nine juridical days.

Acts 75-6, p. 4.
1st vol.
Elliott.

Morgan.

§ 2. This act shall take effect from and after the spring term, 1878, of the Morgan and Elliott circuit courts.

Approved April 10, 1878.

CHAPTER 1076.

AN ACT authorizing the Secretary of State to furnish certain officers of Breathitt county with certain public books.

WHEREAS, It is made known to this General Assembly that, in the autumn of 1873, the county and circuit court clerks' offices of Breathitt county were burned, and all the public books belonging to said offices and to the county judge, except A. K. Marshall's Reports, volumes 1 and 2; T. B. Monroe, volumes 1 to 6, inclusive; Littell, volume 5; and 6th, 7th, 8th, 9th, 10th, 11th, and 12th Bush's Reports, were destroyed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to furnish to the county court, circuit court clerk's offices, and the county judge of Breathitt county, with all the Kentucky reports allowed similar officers, except those named in the foregoing preamble; and the Auditor is hereby

directed to draw his warrant on the Treasury in favor of the Secretary of State for the cost of said books.

§ 2. This act shall take effect from its passage.

Approved April 10, 1878.

CHAPTER 1091.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums are hereby appropriated to the following-named persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor of Public Accounts.

Ministers.

§ 2. To the Ministers of the Gospel of Frankfort, four hundred and fifty dollars, to be drawn and distributed among them by John L. Sneed, for their services in opening the two Houses with prayer during the present session.

Guy Barrett.

§ 3. To Guy Barrett, twelve hundred and seventy-three dollars and sixty-eight cents, for newspapers furnished General Assembly during present session.

J. L. & W. H.
Waggener.

§ 4. To J. L. & W. H. Waggener, forty-two dollars and thirty cents, for crape furnished Librarian to drape two Houses in mourning for the death of Hon. M. H. Marriott, a member of the House of Representatives.

Hodges.

§ 5. To James A. Hodges, two hundred and fifty dollars, for making out detailed statements of comparative costs of printing and binding, under authority of resolutions of the present Senate.

Hays, James B.
Garnett, Haz-
lip, Mason, and
Neal.

§ 6. To R. G. Hays, James B. Garnett, W. L. Hazlip, James B. Mason, and James Neal, fifteen dollars and fifty cents each, for expenses incurred in their visit as committee to examine and report the condition of the locks and dams on the Green and Barren rivers, under authority of joint resolution of the present General Assembly.

Marshall &
Sneed.

§ 7. To Marshall & Sneed, nineteen dollars and twenty cents, for articles furnished the present General Assembly.

Gray & Rodman

§ 8. To Gray & Rodman, three dollars and seventy-five cents, for articles furnished House of Representatives, present session.

§ 9. To W. H. Gillis, W. G. Thompson, five dollars each, Gillis, Thompson, and Glore. and to Richard Glore and Lewis Harris, sixteen dollars each, for services rendering in opening House of Representatives and Senate, present session.

§ 10. To Philip Selbert, five dollars, for repairing and regulating clocks for present General Assembly, present session. Selbert.

§ 11. To Sanford Goin, one hundred dollars, for ice furnished the present General Assembly. Goin.

§ 12. To W. H. Hall, seven dollars and forty cents, for articles furnished present General Assembly. Hall.

§ 13. To D. R. Murray, C. U. McElroy, A. S. Berry, A. R. Clarke, R. L. Spalding, and R. B. Moore, six dollars each, expenses incurred in visiting Jefferson circuit court clerk's office under resolution.

§ 14. To John Kiernan, five dollars and fifty cents, articles furnished the Senate, present session.

§ 15. To Jack Glore and Lewis Harris, each three dollars, for washing towels for House of Representatives and Senate, present session.

§ 16. To Dennis Griffin, two hundred dollars, for his services as carpenter for the two Houses General Assembly, present session, and for hoisting the American flag on the Capitol each day during the present session.

§ 17. To Isaac Wingate, jr., twenty-five dollars, for his services as Clerk in opening the Senate, present session.

§ 18. To Robert Loomis, two dollars and fifty cents per day during the present session, for his services in waiting on the back capitol, present session.

§ 19. To William Pettit, one dollar per day during the present session, for services rendered in Library during present session.

§ 20. To Jack Monroe, three hundred dollars, extra services rendered in Library, present session.

§ 21. To Ed. Grant, five dollars, for his services in cloak-room of the House of Representatives at the opening of the present session.

§ 22. To Lee Buckley and Charles Taylor, twelve dollars and fifty cents each, for preserving extra Journals of the two Houses during the present session.

§ 23. To George R. Snyder, forty-nine dollars and seventy-five cents—six dollars and sixty-five cents being amount paid for cross and crape, and forty dollars and ninety cents being

for expenses of eight members of the General Assembly in attending funeral of M. H. Marriott, under resolution of the General Assembly.

§ 24. To the Librarian of the State, twenty dollars, for postage stamps in the discharge of her official duties.

§ 25. To Frank A. Mannen, two dollars and seventy-five cents per day, for sixteen days, as page.

§ 26. To Rip. Arnold, two dollars and seventy-five cents per day, for his services as page during the session of the Legislature.

§ 27. And the sum of four hundred and thirty-seven dollars and thirty-six cents (\$437 36) is hereby appropriated to Major, Johnston & Barrett, for copies of the Daily Yeoman, furnished General Assembly during the present session.

§ 28. To Rodman & Bro., six dollars and seventy-five cents, for articles furnished General Assembly, present General Assembly.

§ 29. To Day & Haff, eighteen dollars, for articles furnished present General Assembly.

§ 30. To Wayland Graham, twenty-two dollars, for rent of chairs for present session.

§ 31. To Rob Loomis, five dollars, for acting as janitor of Electoral College.

§ 32. To John Haly, for making plat and estimates of Penitentiary costs, the sum of ten dollars.

§ 33. And to W. F. Bassett, three hundred and two dollars and seventy-six cents, for Evening News, furnished House of Representatives.

§ 34. This act shall take effect from and after its passage.

Approved April 10, 1878.

CHAPTER 1096.

AN ACT to amend an act, entitled "An act to create a criminal court in the sixteenth judicial district," approved March 10, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to create a criminal court in the sixteenth judicial district," approved March 10, 1876, be amended by striking out the sixteenth section of said act, and so much of the sixth section as "excepts the

See 1st vol. of
Acts 1875-6, p.
48.

county of Martin," and said act shall apply to the county of Martin.

§ 2. That the criminal court in the county of Martin shall be holden as follows: the first term after the passage of this act shall commence on the first Monday in May, and continue six juridical days; and thereafter shall begin on the first Monday of March and September, and continue six juridical days each.

§ 3. That the judge of the criminal court of said district shall receive, after this act takes effect, a salary of twenty-five hundred dollars per annum, and be paid in the same manner as the judges of the other criminal districts in this State.

§ 4. That anything in the act to which this is an amendment inconsistent herewith is hereby repealed.

§ 5. This act shall take effect from its passage.

Approved April 10, 1878.

RESOLUTIONS.

No. 1.

RESOLUTION directing the firing of national salutes on the 8th day of January and the 22d day of February, 1878.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Quarter-Master General is hereby directed to cause to be fired a national salute at 12 o'clock, M., on the 8th day of January, 1878, and also on the 22d day of February, 1878, in commemoration of the battle of New Orleans, and the birthday of Washington, and that the Auditor be directed to draw his warrant on the Treasurer for the cost of the same.

Approved January 8, 1878.

No. 2.

RESOLUTION in relation to printing the Governor's Message.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the message of the Governor be printed, and that the Public Printer be directed to furnish each member and officer of the Senate with one hundred copies thereof, with paper covers, enveloped, postage paid, and ready for distribution by mail.

Approved January 8, 1878.

No. 3.

RESOLUTION in relation to the election of a State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That this General Assembly proceed to elect a State Librarian at 11 o'clock on Tuesday, the 15th inst.

Approved January 8, 1878.

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No. 4.

RESOLUTION directing the raising of the national flag upon the dome of the Capitol.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Quarter-Master General be, and is hereby, directed to procure, and cause to be hoisted upon the dome of the Capitol, the national flag each day during the session of this General Assembly, and the Auditor is hereby directed to draw his warrant upon the Treasurer to pay the cost of same: *Provided*, The cost thereof shall not exceed seventy-five (\$75) dollars. Said flag shall be raised each day by the janitor of the building, under the direction of the State Librarian.

Approved January 12, 1878.

No. 5.

RESOLUTION raising a joint committee in relation to re-districting the judicial districts of this Commonwealth.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of five from the Senate and ten from the House of Representatives be appointed, which is directed to inquire into the propriety of abolishing all the criminal, chancery, and common pleas courts of this Commonwealth, and re-districting the State into such number of circuit court districts as are necessary to transact the criminal and civil business of the State, and report by a bill for that purpose, or otherwise, as it may deem proper.

Approved January 16, 1878.

No. 6.

RESOLUTION requesting our members of Congress to secure an appropriation for the improvement of navigable streams in Kentucky.

WHEREAS, It has been from time immemorial the policy of the Federal Government to appropriate large sums of money for the internal improvement of both State and General Government; and whereas, the State of Kentucky is now, and has been for a long time, one of the largest revenue-paying

RESOLUTIONS.

States in the Federal Union, and has received but the meagerest sums in the lavish distribution which has been made by the General Government for the purpose of internal State improvement; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators and Representatives in Congress are hereby earnestly requested to use their utmost and united efforts to obtain from the present Congress, for the improvement of navigable rivers in this Commonwealth, an appropriation of such sums of money as may be commensurate with the wants of Kentucky, and with what she is entitled to under a fair and equal distribution at the hands of the Federal Government.

2. That copies of this resolution be forwarded by the proper authority to our Senators and Representatives in Congress at as early a day as possible.

Approved January 16, 1878.

No. 7.

RESOLUTION requesting our Senators and Representatives in Congress to use their influence to secure the passage of a general quarantine law in the United States.

WHEREAS, The tropical scourge, yellow fever, makes almost annual visits to some portions of the United States, carrying with it desolation and death; and whereas, by reason of constantly increasing railroad facilities, the disease is liable to be conveyed to any part of the country where heat rises to 80 degrees, the fact being well established that yellow fever has visited Passage, Maine, once; Hartford, Connecticut, once; Quebec, once; New York, fourteen times; Philadelphia, thirteen times; Norfolk, Virginia, once; and Galipolis, Ohio, once; and the fact also being well known that yellow fever, in 1853, appeared at New Orleans as early as May, thus showing that the only sure mode of keeping off the dreadful scourge is a rigid quarantine of vessels arriving from the ports of West India Islands, and other infected places; and whereas, the neglect on the part of the proper authorities to afford our citizens the necessary protection, has resulted in great loss of life and property, in addition to seriously

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impairing the commercial prosperity of numerous well located towns and cities; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators in Congress be directed, and our Representatives in Congress be requested, to devise and urge such measures as in their judgment may seem best to bring about such action on the part of Congress as shall result in a national quarantine law, that will effectually prevent the spread of yellow fever within the limits of the United States; and that a committee of three be appointed, composed of one Senator and two members of the House of Representatives, who shall be requested and directed to memorialize Congress in conformity to this resolution, and that they be authorized to investigate and report to this body any means which they may deem necessary to protect the lives of the citizens of this Commonwealth against this disease.

Approved January 16, 1878.

No. 8.

A RESOLUTION in relation to creating the office of Enrolling Clerk.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a committee of five, two from the Senate and three from the House of Representatives, be appointed to take into consideration the necessity of creating the office of Enrolling Clerk for each House.

2. That said committee shall, when they establish said office, define the duties of the Enrolling Clerk.

3. This resolution to take effect from and after its passage.

Approved January 16, 1878.

No. 9.

RESOLUTION asking this General Assembly to appoint a joint committee on Retrenchment and Reform.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of seven on the part of the House of Representatives, and four on the part of the Senate, be

RESOLUTIONS.

appointed, to be styled "Committee on Retrenchment and Reform," whose duty it shall be to examine carefully into the matter of salaries paid out of the Treasury to the respective officers of this Commonwealth; also the clerical assistance employed in each office, and the amount paid for the same; also the fees or perquisites, if any, received by such officer, in addition to the salary allowed by law. The said committee shall ascertain, as correctly as practicable, the amount of labor which the duties of each office require, and whether the compensation allowed by law is too little or too much, and also whether any of such offices may be abolished altogether without injury to the public service. It shall be the duty of said committee to examine carefully into the matter of fees allowed by law to sheriffs, clerks, constables, and other ministerial officers, with the view of ascertaining whether any additional legislation is necessary upon the subject. The said committee shall report, by bill or otherwise, from time to time, touching the matters within the scope of their duties under this resolution. The committee shall have the same powers appertaining to a regular standing committee; shall have power to send for persons and records and papers, and to examine witnesses; and, if deemed necessary, may prosecute their labors at times during the session of their respective Houses. This resolution shall take effect from and after its passage.

Approved January 16, 1878.

No. 10.

RESOLUTION requesting our Senators and Representatives in Congress to secure a reduction of the tax on tobacco.

WHEREAS, The tobacco crop of Kentucky amounts to about one hundred and fifty million pounds, and nearly one third of the crop of the United States; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators in Congress be instructed, and our Representatives requested, to use their influence to have the law taxing tobacco in all its forms repealed, or so modified as to relieve the producers of tobacco from the heavy burden of tax imposed by the present law.

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2. That they use their influence to repeal the law prohibiting the planter and farmer from selling leaf tobacco at retail directly to consumers or other persons than those who have paid a special tax as exporters, leaf tobacco dealers, or manufacturers.

3. That the Governor cause to be forwarded to each of our Senators and Representatives in Congress a copy of these resolutions.

Approved January 22, 1878.

No. 11.

RESOLUTION raising a committee to inquire into the condition of the Kentucky Agricultural and Mechanical College.

WHEREAS, The Governor, in his annual message, called the attention of the Legislature to the condition and relation of the Agricultural and Mechanical College of Kentucky University; and whereas, it is important that the Legislature should be put in possession of accurate and detailed information respecting the Agricultural and Mechanical College; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee, consisting of five members of the Senate and seven of the House of Representatives, be appointed to visit the Agricultural College, with full power to examine, under oath, officers of the board of curators, executive committee, faculty of the college, and such other persons as have been concerned or interested in the management of said college; and that said committee be instructed to report to the Legislature as early as practicable, by bill or otherwise.

Approved January 22, 1878.

No. 12.

RESOLUTION fixing per diem of officers and employes of this General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee, to consist of three Senators and five Representatives, be appointed by the Speakers of the

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respective Houses, which committee, when thus appointed, shall take into consideration the matter of the pay of the officers and employes of the two Houses of the General Assembly, and that that committee be, and it is hereby, ordered to bring in a bill or joint resolution fixing the per diem pay of all such officers and employes at a specific sum per diem; and that said committee be, and is hereby, directed to report at the earliest practical moment, and that such report, when made, shall have precedence of all other business.

Approved January 24, 1878.

No. 13.

RESOLUTION raising a joint committee to take into consideration a revision of the revenue laws of this Commonwealth.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of three from the Senate and five from the House of Representatives, be appointed by their respective Speakers, to take into consideration a revision of the revenue laws of this Commonwealth, and report by bill or otherwise.

Approved January 24, 1878.

No. 14.

RESOLUTION raising a joint committee in relation to the boundary line between the State of Kentucky and Indiana.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That so much of the Governor's message as relates to the boundary line between the States of Kentucky and Indiana, at and near Green River Island, be referred to a joint select committee of three upon the part of the Senate, and five upon the part of the House, to be appointed by the Speakers of the two Houses; said committee to ascertain what legislation is necessary to settle and define said boundary line, and report by bill or otherwise.

Approved January 24, 1878

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No. 15.

RESOLUTION calling for information in regard to the Penitentiary.

WHEREAS, It will be the duty of this General Assembly to consider the problem of convict labor from an economical as well as a reformatory stand-point, and, recognizing the fact that correct calculations for the future will be greatly aided by full information as to the profits, if any, arising from the Penitentiary, and expenses incurred by the State on its account in the immediate past; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and is hereby, requested to furnish to this General Assembly, at the earliest day practicable, the appraised value of the personal property owned by the State turned over to the present Lessee of the Penitentiary when he took charge of the institution; a statement of all sums that have been paid said Lessee and other persons on account of the Penitentiary, from the time said Lessee assumed control of said institution to January 1, 1878, either by virtue of appropriations, by order of the Sinking Fund Commissioners as loan or otherwise, for improvements connected with said Penitentiary inside of its walls or out, or for any other purpose connected therewith. And all sums of money paid to the State by said Keeper and Lessee from the time he entered upon the discharge of his duties as such, to January 1, 1878, and upon what account, and for what purpose, and the date of each of said payments. Also, if he has any data upon which to base the same, an estimate of the value of the machinery, not included in said appraisal, and work shops owned by the State, of which said Lessee has had the use.

Approved January 24, 1878.

No. 16.

RESOLUTION raising a committee to visit the various charitable institutions.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That two joint committees of five each, to consist of two Senators and three Representatives each, to be appointed by

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the Speakers of the ~~respective~~ Houses, to visit the various charitable institutions of this State, whose duty it shall be to inquire into the condition of said institutions, and to report what legislation touching appropriation, &c., if any, may be needed.

Approved January 29, 1878.

No. 17.

RESOLUTION requesting Kentucky members in Congress to secure the repeal of the bankrupt law and amendments.

WHEREAS, The Congress of the United States passed an act establishing an uniform system of bankruptcy throughout the United States; and whereas, in the judgment of this General Assembly, the occasion and circumstances justifying its enactment now cease to exist; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators in Congress are hereby directed, and our Representatives requested, to vote for, and use all honorable means to secure, the repeal of said bankrupt law, and all amendments thereto; and the Governor is requested to have a copy of this resolution forwarded to each of our Senators and Representatives.

Approved January 29, 1878.

No. 18.

RESOLUTION to empower Attorney General to inquire into condition of the Green and Barren River Navigation Company.

WHEREAS, It appears from the report of Thos. E. Moss, Attorney General, made to the present session of the General Assembly of Kentucky, in response to resolution number 51, approved March 20th, 1876, that he has not had time nor opportunity to fully investigate the condition or management of the Green and Barren rivers by the incorporators having charge thereof; and whereas, on account thereof, he declines to express an opinion as to whether facts exist to warrant a successful result in a proceeding to annul the lease under which the said rivers are controlled; be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General be, and is hereby, instructed, at an early day as his public duties will permit, to still further inquire into and investigate the condition and management of said rivers by the lessees thereof; and if, in his opinion, the facts warrant the same, to institute legal proceedings to annul said lease, and to restore the improvements on said rivers and the control thereof to the State, as was done in regard to the lease to the Kentucky River Navigation Company.

Approved February 1, 1878.

No. 19.

RESOLUTION raising a joint committee to confer with the Attorney General in regard to certain lottery privileges existing in this State.

WHEREAS, The General Assembly of the Commonwealth of Kentucky has, by various acts, enacted for charitable and other purposes, empowered individuals and corporations in said Commonwealth to engage in a system of legalized gambling, under the style of public lotteries; and whereas, such lotteries are demoralizing and corrupting in their influence upon society, and should be suppressed; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee be appointed to confer with the Attorney General of this Commonwealth, with instructions to bring in a bill to abolish all lottery franchises now in existence in this State.

Approved February 2, 1878.

No. 20.

RESOLUTION directing Librarian to place stove in hall of State House.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Librarian be requested to have a stove placed in the lower hall of the State House, and keep a fire therein while this Assembly is in session.

Approved February 6, 1878.

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No. 21.

RESOLUTION raising a joint committee to investigate the condition of the Common School Fund.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a committee of three be appointed, one from the Senate and two from the House, to examine the vouchers upon which the school fund is expended in any or all of the counties in this Commonwealth, with authority to send for persons and papers, to investigate the workings of our school system, that they may report what amount of school fund is collected by the State, and what paid to teachers.

Approved February 6, 1878.

No. 22.

RESOLUTION raising a joint committee to fix the rate of compensation for the officers and attaches of the present and future General Assemblies.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That a committee of thirteen, consisting of eight members of the House and five members of the Senate, be appointed by the respective Speakers of the two bodies, whose duty it shall be to fix the compensation of the officers and attaches of the General Assembly for the present term, and to report a bill establishing permanently the salaries and fees of all the officers and attaches of the General Assembly, to take effect after the adjournment of the present General Assembly.

Approved February 7, 1878.

No. 23.

RESOLUTION to appoint a joint committee to examine the locks and dams on Green and Barren rivers.

WHEREAS, The Kentucky river was leased to a company ; said company failed to comply with the terms of their contract; they failed to keep in repair the locks and dams, whereby the State sustained great loss; and whereas, the Green and Barren rivers were, by an act of the General Assembly, on the 9th March, 1868, leased to a company; and whereas, it is believed that said company are not complying with the

terms of the contract granted in said act; it is believed that said company are not now keeping the locks and dams in repair, whereby the State is in danger of sustaining great loss:

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a committee of three of the House and two from the Senate be appointed, with a competent engineer, whose duty it shall be to proceed immediately to the said locks and dams on Green and Barren rivers, and make a thorough examination of each lock and dam, and ascertain the present condition of the same, and report to this General Assembly.

Approved February 9, 1878.

No. 24.

RESOLUTION raising a joint committee to visit the Institution for the Feeble-minded, and to report on the condition thereof.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Committee on Charitable Institutions, together with the same committee from the Senate, be, and they are hereby, appointed a joint committee to visit the Asylum for the Tuition of Feeble-minded Children, with a view to investigate the condition, and report what legislation, if any, be necessary to promote the best interests of that noble philanthropy.

Approved February 15, 1878.

No. 25.

RESOLUTION authorizing the employment of a clerk by the Joint Committee on Insurance.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Joint Committees on Insurance of the Senate and House of Representatives be, and they are hereby, authorized to employ a clerk to assist them in their labors for the period of seven days, the pay of such clerk not to exceed five dollars per day.

Approved February 15, 1878.

RESOLUTIONS.

No. 26.

RESOLUTION in regard to extending present session of the General Assembly.

WHEREAS, It behooves this General Assembly to adjourn at the expiration of the constitutional period of sixty days, if an adjournment can be had without detriment to the Commonwealth; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee, to consist of six on the part of the House and three from the Senate, be appointed by the Speakers of the respective Houses, whose duty it shall be to report, on or before Monday next, the number of local and general bills now pending in the two Houses, and whether or not this General Assembly can adjourn at the expiration of the constitutional period of sixty days.

Approved February 23, 1878.

No. 27.

RESOLUTION of thanks to Dr. L. B. Woolfolk.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the thanks of this General Assembly be, and are hereby, tendered to Dr. L. B. Woolfolk for the eloquent lecture delivered by him before it, and that he be requested to furnish the same to the Legislature for publication.

Approved February 26, 1878.

No. 28.

RESOLUTION in regard to lock and dam No. 5, on the Kentucky river.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Black & Chinn, J. G. Dudley & Bro., Geo. B. Macklin, Hatchitt & Spotswood, B. Zeigler, Capt. Sam. Sanders, and others, are hereby authorized to remove a portion of the sheeting of the dam and obstructions at lock No. 5, on the Kentucky river, not exceeding fifty feet in width, for the purpose of opening a passage over said dam for coal-barges and

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rafts of logs detained above said lock No. 5 by a recent break on the Woodford end of said dam; which break jeopardizes the passage of said barges and rafts down the river: *Provided*, That the obstruction shall be removed without cost to the State, and nothing in this resolution shall commit the State to the improvement of said lock.

Approved February 26, 1878.

No. 29.

RESOLUTION extending the present session of the General Assembly.

WHEREAS, It is evident that, in the limited time remaining of the constitutional time, it is impossible that the measures of great public interest and absolute necessity now before the General Assembly can be acted on, and great detriment to the public service must inevitably result from the failure to perfect them; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the present session of the General Assembly be extended beyond the sixty days to which it is limited by the Constitution.

Approved February 27, 1878.

No. 30.

RESOLUTION favoring the construction of the Texas and Pacific Railway.

WHEREAS, The power of the General Government to promote the construction of great national lines of communication between the two oceans has long ceased to be a question of political division; and whereas, experience has demonstrated the necessity of another trans-continental railroad, both for the commercial and social convenience of the people, and as a check to the monopoly incident to a single road; and whereas further, the official reports show that of the \$104,705,163 43 expended by the General Government between 1789 and 1873 for railroads, wagon roads, and canals, the sixteen Southern and border States received only \$6,981,982 90, while the Northern and Western States and Territories have received \$97,025,761 70, exclusive of land grants:

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Resolved by the General Assembly of the Commonwealth of Kentucky :

That our Senators in Congress be instructed, and our Representatives requested, to use all proper means to secure the passage of such bill or bills by Congress as will promote and secure the construction of the Texas and Pacific Railway, as a competing line to the Union and Central Pacific, and as a corresponding artery for Southern trade and travel.

Resolved, That the Governor be, and is hereby, requested to transmit to our Senators and Representatives in Congress, each, a copy of these resolutions.

Approved March 1, 1878.

No. 31.

RESOLUTION in regard to the boundary line between Indiana and Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the report of the joint committee on the boundary line between the States of Indiana and Kentucky be spread upon the Journals of the Senate and House of Representatives, and that, in pursuance of the recommendations of said committee, the Governor be authorized and requested to inform the Governor of Indiana of the passage of the act establishing said boundary line as fixed by the commissioners appointed to run the same, and request him to recommend the passage of a similar act by the Legislature of the State of Indiana.

Approved March 6, 1878.

No. 32.

RESOLUTION in regard to Dr. L. P. Blackburn.

WHEREAS, Dr. L. P. Blackburn, of Louisville, has, on several occasions, at Nassau, at Memphis, recently at Fernandina, Florida, gone to the assistance of our Southern people when they most needed it, when they were afflicted by pestilence in its direst form. Generously, without recompense, at great expense to himself, he has braved the dangers of the plague and the hardships of professional toil to relieve

the poor and the suffering. When resident physicians were dying of the disease, succumbing to unintermitted labor, or flying from their posts, he has gone into the battle, grappled with the dread enemy, and saved from the hungry pestilence thousands of lives. Never failing, never flinching, his has been the heroism of kindness and self abnegation, the heroism which defeats death and alleviates pain; and whereas, on the last occasion, he was requested by the Governor to undertake his mission of charity, and his services reflected honor upon his State; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the eminent services of Dr. L. P. Blackburn in the cause of humanity, reflecting as they do so much honor upon himself and upon his State, deserve this public recognition.

Approved March 6, 1878.

No. 33.

RESOLUTIONS in regard to the repeal of the resumption act and other financial matters.

Recognizing the truth and power of the time-honored maxim that "eternal vigilance is the price of liberty;" and whereas, the highest and greatest duty of the representative is to play the part of sentinel, and give warning to the confiding and unsuspecting good people of this Commonwealth of any and all attempts, either covert or open, to undermine the principles of our institutions, and to subvert and trample upon the rights of the citizen; and whereas, it is apparent to this General Assembly that the Federal legislation for the last several years has been in the interest of the money power of the country, to the destruction of the honest industry of the people, as evidenced by the paralysis of trade and commerce, the destruction of confidence among the people financially, the closed doors of the machine and manufacturing establishments throughout the country; the distress and hunger incident to this deplorable condition of affairs makes it proper that we, the Representatives of the people of this Commonwealth, should make known to the Federal Government our views touching the great questions which are now grinding the life blood out of a brave constituency; therefore, be it

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Resolved by the General Assembly of the Commonwealth of Kentucky :

1st. That we demand the immediate and unconditional repeal of the resumption act.

2d. That we are in favor of making silver the equal of gold, so far as paying private and public dues.

3d. That we are in favor of paying the bonds of this country according to the provision of the law under which they were issued, believing that if the currency of the country is good enough to pay the pension of the widow and orphan of the dead soldier, it is good enough to pay the bondholders or any other claim against the Federal Government. That while we oppose repudiation, and are for the honest discharge of our bonded debt according to the provision of the law under and by which the bonds were issued, we denounce as unjust to the people all laws, the effect of which is to make any bonds payable in coin which, by the act under which they were issued, were payable in the currency of the country.

4th. That the Governor of this Commonwealth is hereby requested to send certified copies of these resolutions to each of the members in the Federal Congress; and that our Senators and Representatives in the Congress of the United States are requested to use all honorable means to procure the passage of an act in conformity with the foregoing resolutions.

Approved March 8, 1878.

No. 34.

RESOLUTION in relation to fixing the time to elect a Public Printer and Binder.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That this General Assembly proceed to the election of a Public Printer and Binder, to succeed the present incumbent, on Wednesday, the 13th inst., at 12 M.

Approved March 12, 1878.

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No. 35.

RESOLUTION relating to the Governor's Mansion.

WHEREAS, The Governor's Mansion, after many expensive repairs and alterations, is in a very dilapidated and unsafe condition, and is wholly unfit for the residence of the Governor of Kentucky; and whereas, it is represented that the residence of Capt. Harry I. Todd, in this city, is a suitable one for the Governor, and can be procured immediately for a reasonable amount, and the Governor's Mansion and lots attached thereto taken in part pay; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of thirteen members, five from the Senate and eight from the House, to be named by the Speakers of the respective Houses, be appointed and directed to examine the Governor's Mansion and the residence of said Todd, and report to the General Assembly whether, in its opinion, it is desirable for the State to make an exchange of the property referred to, and upon what terms the exchange can be made.

Approved March 11, 1878.

No. 36.

RESOLUTION in relation to extending the time for paying the tax on distilled spirits.

WHEREAS, The depressed financial condition of the country renders it impossible for distillers to realize upon their products at this time, except at a ruinous sacrifice; and an exaction of the tax upon such manufactures while there is no sale for them, will not only have the effect of bankrupting the distillers, but of creating wide-spread loss and distress throughout the entire business community, resulting ultimately in great pecuniary loss to the government itself; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Congress of the United States be, and it is hereby, respectfully urged to extend the time for paying the internal revenue tax on spirits in bond; and that our

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Senators and Representatives in Congress are hereby earnestly requested to vote for, and use all honorable efforts to secure the immediate passage of, such a law.

2. That the Governor be, and he is hereby, requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

Approved March 11, 1878.

No. 37.

RESOLUTION in regard to the printing for the Insurance Bureau.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Commissioner of Insurance be, and is hereby, directed to let out to the lowest and best bidder, and in one contract, upon the execution by the successful bidder of a good and sufficient bond to execute said work, the printing of the report of Insurance for 1877, together with such other printing as may be necessary for the use of the department; and the said Commissioner is herein directed to reserve from the fees and allowances received by him, under the law creating the Bureau, a sufficient sum to pay for said printing.

Approved March 12, 1878.

No. 38.

RESOLUTION in regard to the election of Public Printer.

Resolved by the General Assembly of the Commonwealth of Kentucky :

.That the two Houses of this General Assembly meet in joint assembly, in the hall of the House of Representatives, at noon this day, for the purpose of electing a Public Printer and Binder for this Commonwealth, and continue from day to day, at the same hour, until an election is had; and that the same rules apply to said election as that of United States Senator, on joint ballot.

Approved March 14, 1878.

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No. 39.

RESOLUTION providing for the payment of expenses of the joint committee of Agricultural and Mechanical College of Kentucky University.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer in favor of P. P. Johnston, for the sum of one hundred and forty-five dollars and thirty cents, to be distributed by said P. P. Johnston as follows: to C. F. Simonds & Co., proprietors of Phoenix Hotel, for board of committee and rent of extra room, one hundred and twenty-two dollars; to S. Wolverton, for transportation, six dollars; to T. J. Montague, for transportation, fifteen dollars; and two dollars and thirty cents to be retained by himself for railroad fare. The Auditor of Public Accounts will also draw his warrant upon the Treasurer in favor of C. U. McElroy for two dollars and thirty cents; M. Hamilton, for two dollars and thirty cents; George Wright, for two dollars and thirty cents; J. B. Tartar, for two dollars and thirty cents; D. R. Murray, for two dollars and thirty cents; R. L. Spalding, for two dollars and thirty cents; D. G. Mitchell, for two dollars and thirty cents; J. S. Owsley, for two dollars and thirty cents; J. M. Kash, for two dollars and thirty cents; F. L. Cleveland, for two dollars and thirty cents, amount of railroad fare paid by each of said parties; also in favor of B. L. Swope, for twelve dollars and twenty-five cents, for railroad fare from Louisville to Lexington and returning, and board whilst in Lexington; and also in favor of Charles Haydon for seventy-five dollars, for clerical services on said committee, which includes his expenses, and George Wallace, for fifteen dollars, for services as sergeant-at-arms of the committee. This resolution takes effect from its passage.

Approved March 19, 1878.

No. 40.

RESOLUTION raising a joint committee to ascertain the amount of fees paid to certain officers in the city of Louisville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of the two Houses, consisting of two from the Senate and three from the House of Represent-

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atives, be appointed by the respective Speakers thereof, with instructions to investigate, first, the amount of fees and compensation received annually by the clerk of the Jefferson circuit court; second, the amount of fees and compensation annually received by the inspector of weights and measures of the city of Louisville; third, the amount of fees and compensation received by the commissioner and clerk of the Louisville chancery court; fourth, the annual amount paid by the State to the Louisville court-house commissioners, and whether or not said sums are justly chargeable to the State. And the committee, in making said investigation, may send for persons and papers, and report by bill or otherwise.

Approved March 19, 1878.

No. 41.

RESOLUTION for benefit of W. T. Samuels and W. J. Steele.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That W. T. Samuels be allowed the sum of twenty dollars, for services rendered the Electoral College at the last Presidential election, in preparing the vote of Kentucky, and to W. J. Steele, ten dollars, for acting as Door-keeper of said Electoral College; and that the Auditor of Public Accounts be directed to issue his warrant therefor, payable out of any money in the Treasury not otherwise appropriated.

Approved March 19, 1878.

No. 42.

JOINT RESOLUTION authorizing the Governor to appoint honorary commissioners to the Paris Exposition.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor be, and he is hereby, authorized to appoint and commission, not exceeding ten (10), one from each Congressional District, honorary commissioners from the Commonwealth of Kentucky to the Exposition to be held at Paris, France, during the year 1878; but the commissioners so appointed shall receive no compensation whatever for their services or expenses.

Approved March 25, 1878.

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No. 43.

RESOLUTION in relation to adjournment.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That this General Assembly do adjourn *sine die* Wednesday, April 10th, 1878, at 12 o'clock, M.

Approved March 30, 1878.

No. 44.

RESOLUTION for the benefit of R. H. Fitzhugh.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of R. H. Fitzhugh for the sum of one hundred and four dollars and sixty-five cents, payable out of any money in the Treasury not otherwise appropriated, for his services as engineer on Green and Barren rivers under committee to examine locks and dams on said rivers.

2. This resolution shall take effect from its passage.

Approved March 26, 1878.

No. 45.

RESOLUTION in relation to the death of Hon. Martin Hardin Marriott.

WHEREAS, The sad intelligence of the death of Hon. Martin Hardin Marriott, a member of the House of Representatives, which occurred at "Helm Place," near Elizabethtown, county of Hardin, on the morning of March 27, 1878, at 3 o'clock, A. M., has been received by this General Assembly; and whereas, by his death a man of irreproachable character, a citizen valuable, useful, and upright, a lawyer of erudition and unquestioned integrity, a legislator of broad and comprehensive views, and one who in all the relations and demands of life was never delinquent, has passed away; and whereas, this General Assembly truly mourns the loss of a worthy and respected citizen and Representative, and feels that one of its most useful, diligent, and conscientious members is forever lost to its councils; wherefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That as a mark of respect to the memory of the Hon. Martin Hardin Marriott, and as a token of the high regard and appreciation in which he was held, that the Sergeant-at-Arms of the two Houses be directed to drape in mourning the Hall of the House of Representatives and the Senate Chamber, and to place the flag floating over the Capitol at half-mast, and continue the same for ten days, or during the remainder of the session; that the members and officers of the General Assembly wear the usual badge of mourning.

That this preamble and resolution be spread upon the Journal of each House, and a copy, attested by the Clerk of each House, be forwarded to the family of the deceased.

That the two Houses do now adjourn.

Approved April 3, 1878.

No. 46.

RESOLUTION for the benefit of the clerical force of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the following sums of money are hereby appropriated to the following-named persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor:

To the Principal Clerks of the Senate and House of Representatives, such sums as they may each certify to the Auditor as paid by them for enrolling bills and resolutions during the present session, not exceeding twenty-five cents per page.

To the Chief Clerks of the Senate and House of Representatives, for the benefit of such persons as acted during the sickness and inability of the Chief and Assistant Clerks of their respective bodies, such sums as may be certified to the Auditor by said Chief Clerks at the rate of ten dollars per day.

To the Second Assistant Clerks of the Senate and House of Representatives, each ten dollars per day for such time as the Chief Clerks of the two Houses may certify they have acted, which time shall end with the present session.

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To the Chief Clerk and Assistant Clerk of the House, one hundred dollars each, and to the Chief Clerk and Assistant Clerk of the Senate, thirty-eight dollars each, for keeping the accounts and issuing certificates to the members of the House and the Senate.

To Charles Haydon, five dollars per day during the present session, for clerical services to the committees of the House and Senate, and keeping index of bills of both Houses: *Provided*, That Clerk Haydon shall not be allowed five dollars per day for the time he was on duty with the College Joint Commission.

This resolution shall take effect from and after its passage.

Approved April 6, 1878.

No. 47.

RESOLUTION for the benefit of A. C. Cope, of Breathitt county.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of A. C. Cope for the sum of thirty-eight dollars and ten cents, payable out of any money in the Treasury not otherwise appropriated, being for mileage due him for present session.

2. This resolution shall take effect from and after its passage.

Approved April 6, 1878.

No. 48.

RESOLUTION in relation to the election of a Keeper for the Kentucky Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly, in joint session, at the hour of 12 o'clock, M., on Tuesday, the 9th, proceed to elect a Keeper of the Penitentiary for the term of four years from the first day of March, 1879.

Approved April 9, 1878.

RESOLUTIONS.

No. 49.

RESOLUTION requesting our Senators and Representatives in Congress to urge the passage of an act appropriating money from the General Government for the improvement of the rivers in the State of Kentucky.

WHEREAS, The people of the State of Kentucky have paid into the Federal Treasury, under the internal revenue laws, nearly one hundred millions of dollars, which have been expended by the General Government for its own purposes; and whereas, the Congress of the United States has, from time to time, made large appropriations for the improvement of the internal rivers of many of the States of this Union, and the State of Kentucky has received only a single appropriation of thirty-seven thousand dollars for any river within her borders; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That we have learned with great pleasure of the introduction in the House of Representatives of the Congress of the United States, by the Hon. Thomas Turner, of a bill appropriating one million seven hundred thousand dollars to some of the rivers of our State, and we earnestly request our Senators and Representatives in Congress to urge upon that body the just claims of Kentucky to such appropriation, and to do all in their power to secure the same.

2. That the Governor of this Commonwealth be, and is hereby, requested to forward to each of our Senators and Representatives in the Congress of the United States a copy of these resolutions.

Approved April 9, 1878.

No. 50.

RESOLUTION to appoint Assistant Enrolling Clerks.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Enrolling Clerks of the House of Representatives and the Senate be authorized to employ two competent assistants each, to aid them during the remainder of the session, whose compensation shall not exceed eight dollars per day.

Approved April 9, 1878.

RESOLUTIONS.

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No. 51.

RESOLUTION regarding the porter of the Quarter-Master General and the Bureau of Agriculture, Horticulture, and Statistics.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the porter employed by the Quarter-Master General shall hereafter act also as porter for the Bureau of Agriculture, Horticulture, and Statistics.

Approved April 9, 1878.

No. 52.

RESOLUTION authorizing the sale or exchange of unserviceable cannon and small arms.

WHEREAS, It appears that there is in the State Arsenal a number of brass cannon, deemed to be unsafe and unfit for use; and a class of small arms known as carbines and musket-tons, now practically unserviceable,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Quarter-Master General is hereby authorized, by and with the advice of the Governor, to sell the same, except trophies of the Mexican and Indian wars, which are directed to be painted and placed at the foot of the Mexican monument in the State cemetery, upon the best terms he can obtain, and pay the proceeds into the Treasury to the credit of the State Military Fund: *Provided*, The amount paid to the credit of said fund shall be deducted from the amount to go thereto from the war claim collections, so that the amount appropriated to and expended for the benefit of the military and militia of this Commonwealth shall in no event exceed ten thousand dollars per annum. Contracts for sale of said arms shall be approved by the Governor.

Approved April 10, 1878.

No. 53.

JOINT RESOLUTION authorizing the Governor to cause the name of Lieut. John J. Crittenden to be inscribed on the battle monument in Frankfort Cemetery.

WHEREAS, On the 25th day of June, 1876, a gallant young Kentuckian, Lieutenant John J. Crittenden, fell in the battle

RESOLUTIONS.

of Big Horn, in the memorable massacre of Gen. George A. Custar and his command; and whereas, his body lies interred on the battle-field; and whereas, it is appropriate that Kentucky should recognize and commemorate the heroism of its sons:

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Governor be authorized and requested to cause the name of Lieutenant Crittenden to be inscribed on the battle monument in the Frankfort Cemetery, together with the name of the battle-field and the date of the battle, and that the Auditor draw his warrant on the Treasurer for the cost, as certified by the Governor.

Approved April 10, 1878.

No. 54.

RESOLUTION in regard to the extension of the session of the present General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the joint resolution providing for the extension of the present General Assembly, passed this day, be amended by striking out five o'clock, P. M., and inserting in lieu thereof nine o'clock, P. M.

Approved April 10, 1878.

No. 55.

RESOLUTION in relation to the Breckinridge monument.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That Hon. F. K. Hunt and Hon. Wm. C. P. Breckinridge be added to the commissioners appointed to superintend and direct the erection of a monument to the memory of Gen. John C. Breckinridge, with all the powers and authority vested in commissioners appointed for said purpose by this Legislature.

Approved April 10, 1878.

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No. 56.

RESOLUTION to pay the Clerk and Assistant Clerk of the Presidential Electoral College of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor be directed to draw his warrant on the State Treasurer for sixty dollars in favor of Joseph G. Brown, Isaac Wingate, and James M. Lobban, the Clerk and Assistant Clerks of the Presidential Electoral College, which met in Frankfort December, 1876.

Approved March 19, 1878.

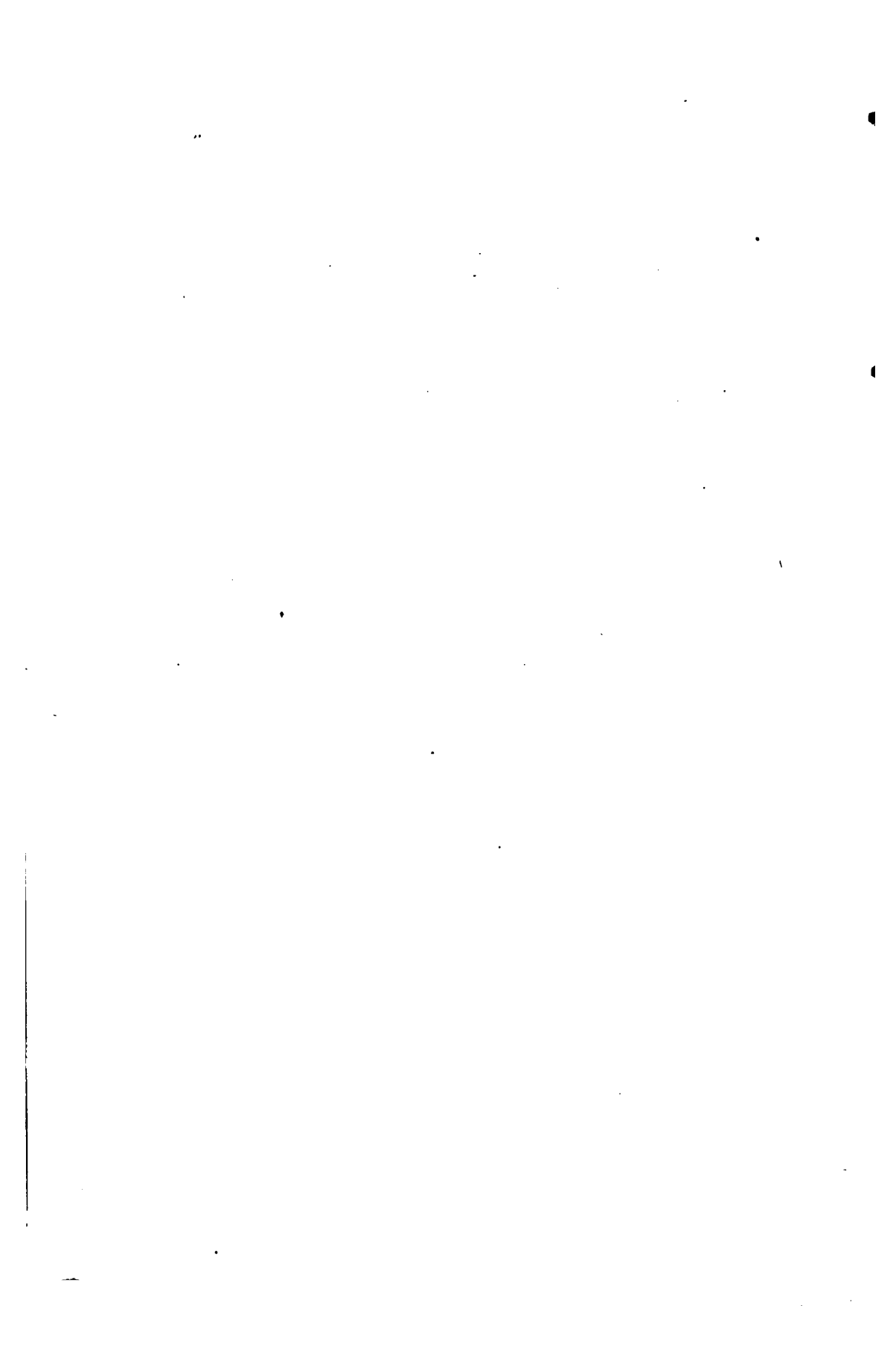
No. 57.

RESOLUTION in relation to further extension of present session of General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That this session of the General Assembly of the Commonwealth of Kentucky be, and the same is hereby, extended until five o'clock, P. M.; and that no bill will be acted upon or passed after the hour of 12 o'clock, M., this day; and that the two Houses will take a recess from the hour of 12 o'clock, M., until the hour of 4 o'clock, P. M. This resolution shall not be changed except by unanimous consent.

Approved April 10, 1878.



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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT ON MONDAY, THE THIRTY-FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-SEVEN.

JAMES B. McCREARY, *Governor*.
J. C. UNDERWOOD, *Lieut. Gov'r and Speaker of Senate*.
ED. W. TURNER, *Speaker House of Representatives*.
J. STODDARD JOHNSTON, *Secretary of State*.
THOS. E. MOSS, *Attorney General*.

CHAPTER 1.

AN ACT to repeal an act, entitled "An act to protect sheep and dogs in Ballard and other counties," approved March 7th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to protect sheep and dogs in the county of Ballard and other counties," approved March 7th, 1876, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

ED. W. TURNER,
Speaker of the House of Representatives.

JOHN C. UNDERWOOD,
Speaker of the Senate.

Approved January 8, 1878.

JAMES B. McCREARY, *Governor*.

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State*.

LAWS OF KENTUCKY.

CHAPTER 2.

AN ACT to amend an act, entitled "An act to provide for the levy and collection of a tax on dogs, and protect the rights of the owners thereof in Fayette and other named counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to provide for the levy and collection of a tax on dogs, and protect the rights of the owners thereof in Fayette and other named counties," approved March 16th, 1876, be, and the same is hereby, repealed so far as the same applies to the counties of Washington and Marion.

§ 2. This act shall take effect from and after its passage.

Approved January 10, 1878.

CHAPTER 3.

AN ACT for the benefit of G. G. Oury, judge of the county court of Calloway county.

WHEREAS, G. G. Oury, judge of the county court of Calloway county, through oversight or mistake, failed to sign certain orders and proceedings of the said county court of Calloway county, made and had at sundry times between December 1st, 1870, and the present date; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said G. G. Oury, judge of the said county court of Calloway county, be, and is hereby, authorized and empowered to sign all of said orders and proceedings on or before the 1st of March, 1878, and when so signed, said orders and proceedings shall be valid and legal to the same extent as if they had been signed by him at the time they were made and had.

§ 2. This act shall take effect from the day of its passage.

Approved January 10, 1878.

CHAPTER 4.

AN ACT to repeal section one of an act to amend the charter of the city of Covington, approved February 6, 1874, and provide for re-assessing the property in said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to amend the charter of the city of Covington," approved February 6th, 1874, be, and the same is hereby, repealed; and the city assessor is hereby directed and required to re-assess the property in said city.

§ 2. This act shall take effect from and after its passage.

Approved January 10, 1878.

CHAPTER 5.

AN ACT for the benefit of school district No. 24, Kenton county.

WHEREAS, No school was taught in district No. 24, Kenton county, for the scholastic year ending June 30th, 1877, and the surplus has not yet been invested in the bond of the county; and it is desired by the patrons to employ it in having a three months' school taught for the current year; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-three dollars and seventy cents, being the aggregate of the pro rata share of twenty-three pupil children in said district No. 24, be, and is hereby, appropriated to said district for said purpose; and the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts, and he on the Treasury, for said amount. That the said amount shall be paid to Rev. Lafayette Johnson, of Kenton county.

§ 2. This act shall take effect from and after its passage.

Approved January 10, 1878.

LAWS OF KENTUCKY.

CHAPTER 6.

AN ACT for the benefit of Frank Fraize, late sheriff and late county court clerk of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Frank Fraize, late sheriff and late county court clerk of Breckinridge county, be, and he is hereby, given the further time of three years in which he may distrain for all unpaid taxes and fees due him, both as late sheriff and late county court clerk of Breckinridge county.

§ 2. That the sheriff or any constable of said county may distrain for any such taxes and fees placed in his hands by said Fraize.

§ 3. This act shall take effect from its passage.

Approved January 10, 1878.

CHAPTER 7.

AN ACT to empower the Trigg county court to levy an ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Majority of justices may levy an ad valorem tax.

§ 1. That the county court of Trigg county, a majority of the justices of said county being present and concurring therein, may levy an ad valorem tax of not exceeding ten cents on the hundred dollars' worth of taxable property in said county, for the purpose of paying the present indebtedness of said county.

When and how collected.

§ 2. The tax herein provided for shall be collected by the sheriff of said county at the same time the State revenue is collected, and for so doing he shall be allowed the same commission now allowed him by law for collecting the revenue tax. But before he shall proceed to collect the tax herein provided for, he shall execute bond, with approved security, in the county court, for the faithful performance of his duties in collecting and paying over the said tax to such person or persons as the court may designate.

Bond to be executed.

§ 3. The tax herein provided for shall be levied within two months after the passage of this act, and for this purpose the presiding judge may, at any time after its passage, call the justices of the county together.

Tax—when to be levied.

§ 4. This act may continue in force for five years, and shall take effect from its passage.

Approved January 10, 1878.

CHAPTER 9.

AN ACT to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18, 1867, be amended by striking out of the second line thereof "fifty dollars," and inserting "one hundred dollars."

§ 2. That said Fulton County Agricultural Society shall have the power to reorganize said society upon the expiration of the original subscription, as also all subsequent subscriptions, and to reopen books for subscriptions of stock.

May reorganize upon expiration of original subscription.

§ 3. That the present organization of said society, as also its previous subscriptions of stock, are hereby legalized, and they be vested with all the powers of said original charter as herein amended.

Present organization legalized.

§ 4. This act shall take effect and be in force from and after its passage.

Approved January 12, 1878.

CHAPTER 10.

AN ACT to incorporate Daysville Lodge, No. 587, Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Daysville Lodge, No. 587, Free and Accepted Masons, are hereby created a body-corporate, by the name and style of Daysville Lodge, No. 587, Free and Accepted Masons, and that Robert West, W. F. Gaines, and C. P. Lee shall be trustees of said lodge, to hold their office until the 27th of December, 1878, when their successors shall be elected by the vote of the members of said lodge, and every two years thereafter; and by that name are made capable in law,

Name and style.

Trustees.

Successors—how elected.

Corporate powers. as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all the courts of law and equity in this Commonwealth; to make, have, and use a common seal, and break, alter, or amend the same; they may make and ordain by-laws and regulations for their government: *Provided*, That none of their by-laws or regulations be inconsistent with the Constitution and laws of the United States and this State.

May acquire and hold real estate. § 2. That said corporation shall have power and authority to acquire and hold real and personal estate not exceeding in value twenty thousand dollars, and, from time to time, if deemed expedient for the interest of said lodge, may lease or sell and convey the same, or any part thereof, and use or re-invest the same at pleasure.

May lease or sell same.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 4. This act to take effect and be in force from its passage.

Approved January 12, 1878.

CHAPTER 11.

AN ACT to enable the county court of Bracken to issue bonds for turnpike purposes, and to provide for their payment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court authorized to issue bonds. § 1. That the county court of Bracken county be, and the same is hereby, authorized and empowered to issue bonds in sums of not less than one hundred dollars each, payable in twelve months from their date, and bearing interest at a rate not exceeding eight per cent. per annum, for the payment of subscriptions to turnpike roads in said county, made by the said county court, either heretofore or in the future: *Provided*, That no such bonds shall be issued for an amount greater than the amount now in the hands of the sheriffs heretofore levied for turnpike purposes, or that may hereafter be levied before such bonds are issued.

To bear interest not exceeding 8 per cent. per annum.

Proviso.

Bonds—how issued. § 2. That all such bonds shall be issued upon the order of the county court by the commissioners of the sinking fund, who shall receive the money thereon, and pay out the same on the order of the county court.

§ 3. That all moneys arising from the levies made by said court for turnpike purposes shall be paid over by the sheriff to the commissioners of the sinking fund for said county, and held by them as a separate fund for the exclusive purpose of redeeming said bonds, and the interest thereon, so long as any of said bonds shall remain unpaid; and any surplus remaining thereafter shall be subject to the order of the county court for turnpike purposes only; and if not so appropriated within six months from the time it is so received, the same shall be turned over to the sinking fund of said county.

All moneys arising from levies—to whom to be paid.

To be used for payment of interest and redeeming of bonds.

§ 4. That it shall be the duty of the sheriff of Bracken county to collect all the taxes levied by said county court for turnpike purposes; and the sheriff and his sureties on his bond for the collection of the county levy shall be liable to, and incur the same penalties for, a failure to collect or pay over the money collected or ordered to be collected, that sheriffs now are for failing to collect and pay over the county levy.

Sheriff to collect all the taxes.

Sureties on his bond liable for their collection.

§ 5. That the commissioners of the sinking fund of Bracken county shall have the same power in regard to the turnpike levies of said county, that they have in regard to the sinking fund of said county, and shall coerce and enforce the collection and payment thereof by the sheriff, as is directed by the law creating a board of commissioners of the sinking fund of Bracken county, approved January 18th, 1867, on the failure of the sheriff to collect and pay over the sinking fund levy of said county.

Powers of commissioners of the sinking fund.

§ 6. This act shall take effect from its passage.

Approved January 12, 1878.

CHAPTER 12.

AN ACT to amend an act, entitled "An act to incorporate the town of Rochester, in Butler county," and acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Rochester, in Butler county, be so amended as to allow the board of trustees of said town to grant licenses to keep coffee-houses in said town, with the right to the persons to whom such licenses may be granted to retail spirituous liquors by the drink, subject to

Trustees allowed to grant licenses.

the limitations and restrictions of the revenue laws of Kentucky.

§ 2. *Provided*, That before any such license shall be granted, a vote shall be taken, under the direction of trustees, for and against the granting of said license, after ten days' notice being given; and unless a majority of the qualified voters voting shall be in favor of such license, the trustees shall not have the power to grant coffee-house license.

§ 3. This act shall be in force from and after its passage.

Approved January 12, 1878.

CHAPTER 13.

AN ACT to incorporate Montgomery Commandery, No. 5, Knights Templar.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers and members of Montgomery Commandery, No. 5, Knights Templar, and their successors, be, and they are hereby, created a body corporate, by the name and style of "Montgomery Commandery, No. 5, Knights Templar," and they and their associates and successors shall so continue, and have perpetual succession; and by that name are made capable in law, as natural persons, to take, hold, and convey property, both real and personal, and to sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth; contract and be contracted with; to have and use a common seal, and may break or alter the same at pleasure; they may make and ordain by-laws and regulations for the government of said commandery, and shall be governed by those now in force in said commandery, and may renew or alter them at pleasure: *Provided*, They be not in contravention of the constitution of the Grand Commandery of Kentucky of Knights Templar, and of the Grand Encampment of the United States, nor in contravention of the laws of the United States or of this State. The exemptions mentioned in section three, article one, chapter ninety-two, of the General Statutes of Kentucky, shall apply to this corporation. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 2. This act shall take effect from and after its passage.

Approved January 12, 1878.

LAWS OF KENTUCKY.

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CHAPTER 14.

AN ACT to prevent the sale of spirituous, vinous, and malt liquors within three miles of Daysville Academy, Daysville, Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors within three miles of Daysville Academy, near Daysville, Todd county, Kentucky.

§ 2. That for every violation of section one the guilty parties, upon conviction on indictment, shall pay the penalty prescribed by the General Statutes for retailing without license.

§ 3. This act to take effect from and after its passage.

Approved January 12, 1878.

CHAPTER 16.

AN ACT for the benefit of P. L. Maxey, sheriff of Hart county.

WHEREAS, P. L. Maxey, sheriff of Hart county, Kentucky, having executed his bond as sheriff of Hart county, Kentucky; and whereas, there exists doubts as to the legality of the same, for the reason that said bond was signed by said Maxey and his sureties in the presence of the clerk of the Hart county court, instead of in the presence of the presiding judge of said court,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said P. L. Maxey be allowed further time until the 1st day of April term, 1878, of the Hart county court to execute his said bond as sheriff of Hart county, and that, upon the execution of said bond, that he and his said securities shall be liable to the same responsibilities as though said bond had been executed at the time now provided by law.

§ 2. This act shall take effect from and after its passage.

Approved January 12, 1878.

LAWS OF KENTUCKY.

CHAPTER 17.

AN ACT regulating the funding of the county debt of Bracken.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may issue bonds.

§ 1. That the county court of Bracken county be, and is hereby, authorized and empowered, on the motion of the commissioners of the sinking fund for said county, to issue bonds of the denomination of not less than one hundred dollars, and having not less than one year nor more than five years to run, and bearing interest at a rate not exceeding eight per cent. per annum, payable annually; and they shall use the money derived from the sale of said bonds for the redemption of the amount of bonds authorized to be issued by an act of the General Assembly approved on the 5th day of February, 1864, and the acts amendatory thereto, now outstanding and bearing a greater rate of interest, and for no other purpose.

Proceeds of same
—how to be ap-
plied.

Outstanding
bonds—how to be
paid.

§ 2. That, upon any of the bonds outstanding falling due before there shall be a sum sufficient in the sinking fund for their payment, said court may issue bonds, bearing a rate of interest not greater than eight per cent., to an amount sufficient to raise a sum equal to the amount of said bonds, exclusive of any interest that may have accrued thereon.

Bonds heretofore
issued declared
valid.

§ 3. That all bonds heretofore issued by said county court are hereby declared to be as valid and binding as though they had been specially authorized by law.

§ 4. This act shall take effect and be in force from and after its passage.

Approved January 12, 1878.

CHAPTER 18.

AN ACT to repeal an act taxing dogs in Fayette and other named counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the levy and collection of a tax on dogs, and protect the rights of the owners thereof, in Fayette and other named counties," approved March 16th, 1876, be, and the same is hereby, repealed, so far as it applies to the counties of Clark, Bourbon, Montgomery, Woodford, Fayette, Marion, and Washington counties.

§ 2. *Be it further enacted*, If the assessor of any of the counties included in the above section should assess or list any dogs under the law approved March 16th, 1876, for the year 1878, the same shall be of no force or effect, and the taxes not collectable.

§ 3. This act shall take effect from and after its passage.

Approved January 12, 1878.

CHAPTER 19.

AN ACT authorizing John G. Jefferson, clerk of the Trigg county court, to qualify as guardian of his son, Harry Percy Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John G. Jefferson, clerk of the Trigg county court, be, and he is hereby, authorized and permitted to qualify as guardian for his infant son, Harry Percy Jefferson; and his qualifications, and all his acts as such guardian, are hereby made as valid as if he did not hold said office of county court clerk.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 16, 1878.

CHAPTER 20.

AN ACT for the benefit of the assessor of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the assessor of the county of Harrison shall have the further time until the first of June, 1878, to complete his list and return his tax-book to the county clerk of said county.

§ 2. This act shall take effect from its passage.

Approved January 16, 1878.

CHAPTER 21.

AN ACT for the benefit of J. K. Bailey, of Harlan county.

WHEREAS, J. K. Bailey, Representative from the counties of Harlan, Perry, and Bell, in the present General Assem-

bly, stands as a surety on the revenue bond of Acles Wynn, former sheriff of Harlan county for the year 1862; and whereas, said Wynn has not settled his revenue account for said year, nor has any one for him; and whereas, by the provisions of the sixth section of article 2, chapter 108, page 817, of the General Statutes, the Auditor of Public Accounts is not authorized to draw his warrant on the Treasurer in favor of any person indebted to the Commonwealth, or in favor of his assignee; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of J. K. Bailey, Representative from the counties of Harlan, Perry, and Bell, for his mileage, stationery, and per diem during the present General Assembly.

§ 2. This act shall take effect from its passage.

Approved January 16, 1878.

CHAPTER 22.

AN ACT to incorporate Todd Lodge, No. 262, Independent Order of Odd Fellows, Daysville, Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.	§ 1. That S. L. Day, A. G. Cole, and J. C. Penick, trustees of Todd Lodge, No. 262, Independent Order of Odd Fellows, and their successors in office, be, and they are hereby, created
Name and style.	
Corporate powers.	
May make by-laws.	

a body-corporate, by the name and style of Todd Lodge, No. 262, of the Independent Order of Odd Fellows, and they and their successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when they deem proper, and they may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the

Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value; may lease or rent, sell and convey the same, or any part thereof, and re-invest and dispose of the proceeds.

May hold and acquire real estate.

§ 2. That the trustees named in section one of this act shall hold their office until the last meeting of the lodge in December, 1878, when their successors shall be elected by a vote of the lodge, and every two years thereafter. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Trustees — when and how elected.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 16, 1878.

CHAPTER 23.

AN ACT to prohibit the sale of ardent, spirituous, vinous, or malt liquors, in less quantities than ten gallons, in magistrates' district No. 3, in Robertson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall be unlawful for any person or persons to vend or sell ardent, spirituous, vinous, or malt liquors, by retail, in any less quantities than ten gallons, in magisterial district No. 3, Robertson county, Kentucky.

§ 2. That any person or persons violating the provisions of the first section of this act shall be under all the pains and penalties now denounced by law against keeping tippling-houses and unlawful retailing ardent spirits.

§ 3. This act shall take effect first day of February, 1878.

Approved January 16, 1878.

LAWS OF KENTUCKY.

CHAPTER 24.

AN ACT to amend an act to incorporate the Maysville Street Railroad and Transfer Company, approved January 21st, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act to incorporate the Maysville Street Railroad and Transfer Company, approved January 21, 1868, be, and the same is hereby, so amended, that the shares of stock in said company shall be twenty-five dollars each instead of one hundred dollars, and that said company may organize when stock to the amount of five thousand dollars shall have been subscribed.

Shares of stock
\$25 instead of
\$100.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 16, 1878.

CHAPTER 25.

AN ACT to amend an act, entitled "An act to incorporate the Ford's Mill and Kentucky River Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jessamine county is hereby authorized to subscribe stock in the said Ford's Mill and Kentucky River Turnpike Road, and to pay the same as said court pays for stock in other turnpike roads in said county.

§ 2. This act to take effect from its passage.

Approved January 16, 1878.

CHAPTER 26.

AN ACT to repeal an act, entitled "An act for the benefit of John L. Graves," approved January the 29th, 1840.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of John L. Graves," approved January the 29th, 1840, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 16, 1878.

CHAPTER 27.

AN ACT to amend the charter of the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That where the ordinances of the city of Lexington have been, or shall hereafter be, compiled, revised, and amended, and the ordinances so compiled, revised, and amended shall be printed and published in book form, and the ordinance adopting said revised ordinances shall be published in a newspaper, as required by the charter, then no further publication of the ordinances so compiled, revised, and amended shall be required.

§ 2. This act shall take effect from its passage.

Approved January 16, 1878.

CHAPTER 28.

AN ACT to incorporate the town of Chester, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Chester, in Mason county, be, and the same is hereby, incorporated, and the boundaries and limits thereof shall be as follows: Beginning at low-water mark, on the Ohio river, at a point where the eastern boundary of the city of Maysville strikes the river, at low-water mark; thence with the said boundary of said city up Union to Fourth street; and thence with the southern side of Fourth street to Lexington street; and thence with the upper line of Lexington street to the point where the railroad crosses the continuation of said street, and with the line of the railroad to the foot of Watkins' hill; and thence along the foot of the river hills until it strikes the eastern line of the Maysville cemetery property, and with the eastern and northern lines of the Maysville cemetery property, to the western boundary line of the Mason county infirmary; and thence with the said western boundary of the infirmary property to

low-water mark on the Ohio river; and from thence along the line of low-water on the Ohio river to the beginning.

Trustees. § 2. That James I. Wood, James H. Holliday, Henry Cox, James F. Lee, Edward Esham, and John T. Fleming, are hereby appointed trustees of said town, and shall hold their offices until the first Monday of January, 1879, and until their successors are duly elected and qualified. The said trustees and their successors in office shall be a body-politic and corporate, and shall be known as the Trustees of the Town of Chester; and by that name shall have power to sue and be sued, plead and be impleaded, in all the courts in this Commonwealth.

Trustees — when and how elected. § 3. There shall be on the first Monday in January, 1879, and every two years thereafter, an election by the qualified voters of said town for six trustees, who shall be citizens and residents of the town, over twenty-one years of age, and who shall hold their offices for two years, and until their successors are elected and qualified. Any vacancy which may occur in the board of trustees may be filled by the board until the next regular election. The said trustees, before they enter upon the duties of their offices, shall take an oath faithfully to discharge their duties. No person shall vote in said election unless he has been a resident of said town for six months preceding the same.

§ 4. Any four of the said trustees shall constitute a quorum for business. They shall elect one of their number chairman, who shall preside over their deliberations when convened, and shall call meetings of the board whenever he may deem it necessary. There shall be regular monthly meetings of the board at such times as may be fixed by the by-laws.

Chairman of board to be ex officio mayor. § 5. The said chairman of the board, when elected, shall be *ex officio* mayor of said town, and shall have the same jurisdiction in criminal, penal, and civil cases which is now given by law to the mayor of the city of Maysville. He shall be commissioned by the Governor, upon his election being certified by the board of trustees. After the first Monday in January, 1879, he shall hold his office for the term of two years, and until his successor is elected and qualified.

May make by-laws. § 6. The said trustees shall have power to make by-laws and pass ordinances for the good government of said town, not inconsistent with the Constitution and laws of this State. **May levy and collect taxes.** They shall have power to levy and collect, upon the real and

personal property in said town subject to taxation under the laws of the State, taxes not exceeding fifty cents on each one hundred dollars' worth of property, and not exceeding one dollar on each tithe in said town, which tax shall be applied to the improvement of the streets and alleys and the drainage and other necessary expenses of said town: *Provided*, That lands within the corporation limits used for agricultural or horticultural purposes shall not be taxed for general town purposes, but may be taxed at a rate not exceeding ten cents on the hundred dollars in value for the improvement of the roads and for drainage of the town. They shall have power to purchase or acquire by gift or lease any lot or piece of land for the necessary use of said town, and may build a grade or wharf for the landing of boats or other water craft, and establish, charge, and collect a reasonable rate of wharfage for the use of said grade or wharf. They shall have power to tax all shows, exhibitions, menageries, and circuses exhibiting in said town, at such reasonable rate as they may fix by ordinance.

Proviso.

Taxes—how applied.

May acquire land for use of town.

Establish wharf & collect wharfage.

§ 7. The board of trustees shall appoint a marshal for said town; the said marshal, after the first Monday in January, 1879, to hold his office for the term of two years, and until his successor is elected and qualified. He shall also perform the duties of collector, and for the faithful performance of his duties shall execute bond to said board with sufficient surety. The said board shall also appoint a clerk and treasurer, who shall also give bond with surety; and for any default or violation of duty of either of said officers, suit may be brought against him on his bond in any court having jurisdiction thereof.

Marshal — when & how appointed.

Marshal to execute bond.

Trustees may appoint clerk and treasurer.

§ 8. All fines and forfeitures inflicted and collected under the ordinances of said town shall be paid over to the treasurer for the use of public schools within the corporation.

Fines to be paid treasurer.

§ 9. Where the right of way for new streets or alleys, or for a public grade or wharf, cannot be obtained by purchase or donation, the said trustees shall have power to have the same condemned by writ of *ad quod damnum*, in the same manner that the condemnation of land is authorized by the General Statutes for turnpikes, gravel roads, &c.

Trustees may condemn land for streets.

Citizens of town
exempted from
work on public
roads. § 10. The citizens living within the town of Chester shall not be liable to work upon the public roads outside of the corporation limits of said town.

Fees of marshal. § 11. The marshal of the town shall have and receive the same fees and commissions for his services in executing process and performing official services as are allowed by law to the marshal of the city of Maysville for like services; and for collecting the taxes and other revenues of said town, he shall receive such commissions and compensation as the board of trustees may allow. It shall be his special duty

Powers & duties
of marshal. to execute all such process as may be issued for alleged violations of the laws and ordinances of said town, and in such cases may execute original and final process in any part of Mason county. For the enforcement of the collection of taxes due to said town, the laws enacted for the collection of taxes by the city of Maysville are made applicable to the town of Chester, and the marshal of Chester is clothed with all the powers and duties, in that respect, which are conferred upon the marshal of the city of Maysville.

§ 11. This act to have effect and be in force from its passage.

Approved January 17, 1878.

CHAPTER 29.

AN ACT to amend the charter of the town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary. § 1. That the corporate limits or boundaries of the town of Winchester, in Clark county, be, and they are hereby, defined and altered so as to run as follows, viz: beginning on the Elizabethtown, Lexington and Big Sandy Railroad, where it strikes or intersects the western boundary line of said town; thence with the northwestern margin of said railroad until it strikes or intersects the old Paris dirt road; thence with said dirt road, on the northern margin thereof, to Water street, in said town, where said Water street intersects Highland street; thence with said Water street, or with an alley which is a continuation thereof, on a straight line with the western margin of said street or alley, to the northern boundary line or limit of said town as it now exists; thence with said bound-

ary line to where it intersects the present eastern boundary line of said town; thence with said eastern boundary line to where it intersects the present southern boundary line of said town; thence with said southern boundary line to the point where it intersects the western boundary line of said town; and thence with said western boundary line to the beginning.

§ 2. That only those persons living within said limits defined as above shall be entitled to the privileges, or be subjected to the burdens of said town; and all acts or parts of acts, rules, regulations, or by-laws applicable to the town of Winchester heretofore, shall be applicable to said town as bounded herein.

Who entitled
to privileges or
subject to bur-
dens of said town

§ 3. This act shall be in force from and after its passage.

Approved January 17, 1878.

CHAPTER 30.

AN ACT to prohibit the sale of spirituous liquors in and near the town of Wordsville, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Anderson county is hereby prohibited from granting license to any person to sell spirituous, vinous, or malt liquors in the town of Wordsville, or within two and one half miles thereof.

§ 2. That any person selling such liquors, in violation of this act, shall be guilty of keeping a tippling-house, and shall be subject to the same fines and penalties as are now provided by law for keeping a tippling-house.

§ 3. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved January 17, 1878.

LAWS OF KENTUCKY.

CHAPTER 31.

AN ACT to amend an act, entitled "An act to protect game and small birds, and to punish trespass."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 2 and 3 of an act, entitled "An act to protect game and small birds, and to punish trespass," approved March 11, 1876, be, and the same are hereby, repealed, so far as they relate to the counties embraced in the Fifteenth Senatorial District.

§ 2. This act shall take effect from its passage.

Approved January 17, 1878.

CHAPTER 32.

AN ACT to regulate the width of the State road leading from Leesburg, in Harrison county, to Williamstown, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the width of the State road leading from Leesburg, in Harrison county, to the Georgetown and Cincinnati Turnpike Road, near Williamstown, in Grant county, is hereby fixed at twenty-two feet, eleven feet each way from the center of the road as now actually traveled; and so much of the second section of an act, entitled "An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati Turnpike Road," approved February 22, 1834, as conflicts herewith, is hereby repealed: *Provided*, That this act shall only apply to so much of said road as is in Harrison county between James Carroll's gate and the Grant county line.

§ 2. This act shall take effect and be in force from its passage.

Approved January 17, 1878.

CHAPTER 33.

AN ACT declaring Emily Fork and tributary a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Emily Fork of Wolf creek, in Martin county, be, and the same is hereby, declared a navigable stream from

Width 22 feet.

Repeals part of act of 1834.

its mouth up said main Emily to the Rock Lick, one mile above the mouth of Low Gap Fork; and up the White Oak Fork of said Emily to the Upper Forks of main White Oak to the Benjamin Maynard corner.

§ 2. This act shall take effect from its passage.

Approved January 17, 1878.

CHAPTER 34.

AN ACT for the benefit of the Sisters of Notre Dame, at Paris, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property conveyed by E. H. Brandts, at Paris, Kentucky, to the Sisters of Notre Dame, and now occupied and used for educational purposes by the Sisters of Notre Dame, a religious association, shall be, and the same is hereby, exempted from taxation for State, city, and town purposes, so long, and no longer, as said property is so used and occupied.

§ 2. This act shall take effect from its passage.

Approved January 17, 1878.

CHAPTER 35.

AN ACT to change the boundary line between the counties of Casey and Boyle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a change in the line dividing the counties of Casey and Boyle be made as follows, viz: To begin where the North Rolling Fork crosses the line now dividing said counties, near the house of J. T. Holland, in Casey county; the changed line then to run with the North Rolling Fork and its meanders, in a western direction, to where said North Rolling Fork again crosses the present line between said counties, near the store-house of J. H. Hankla, in Casey county; this change cutting off from Casey county the only lands in said county now lying north of the North Rolling Fork, being about fifty acres, and owned by J. H. Minor, J. T. Holland, and B. T. Calhoun; and also cutting off from

Puts Minor in Boyle.

Casey county the residence of said J. H. Minor, and including said lands and said residence, by such change, in the county of Boyle.

§ 2. This act to take effect from its passage.

Approved January 17, 1878.

CHAPTER 36.

AN ACT to incorporate the Boyd County Fair Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. W. Husk, H. B. Brodess, John Calder, John Means, L. E. Veyssie, W. W. Culbertson, J. H. Emmons, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the style of the Boyd County Fair, with perpetual succession; have full power to receive, acquire, and hold by purchase, lease, gift, subscription, &c., any and all lands, moneys, and estate, real or personal, for the purposes hereinafter stated; to sell, transfer, or convey the same; and under said name may, in their corporate capacity, sue and be sued, plead and be impleaded, in any court of law or equity; and may have and use a common seal, and alter or abolish the same at pleasure.

§ 2. That any four of the above named persons constitute a board of commissioners *pro tempore*, to transact any business in the interest of said association; may, within three years from the date hereof, open books for the subscription of stock; and whenever one thousand dollars are subscribed, at their discretion, call a meeting of the stockholders for the election of a board of seven directors to serve for one year, or until their successors are duly elected and qualified; and the said stockholders shall hold a similar meeting annually on the fourth Saturday of October; but if, from any cause, they fail to hold an election on that day, the board of directors incumbent may, at their discretion, call a meeting for that purpose on any day they deem expedient, by giving notice twenty days previous thereto, in any newspaper printed in Boyd county, or by mailing written or printed notices to the several stockholders, and may, by giving similar notices, call a meeting at any time for any purpose, in their judgment necessary to the interests of said association.

Corporators.

Corporate powers.

Stock—when and how subscribed.

Directors—when and how elected.

§ 3. That the objects of said association shall be the promotion, improvement, development, and encouragement of the agricultural, mechanical, mining, manufacturing, stock-raising, and general industrial interests and resources of its vicinity; and for the purpose of said interests, the board of directors may hold one or more exhibitions annually, offering such premiums and awards as in their judgment are conducive thereto.

Objects of Association.

§ 4. That the capital stock of said association shall be two thousand dollars, liable to increase, if desirable, to five thousand dollars, to be divided into shares of ten dollars each, to be paid or transferred, or otherwise controlled, as provided in the constitution and by-laws thereof.

Capital stock.

§ 5. That the prudential, financial, and other concerns of said association, together with all its property and real estate of any and every kind, shall be under the control of the president and directors, who shall have power to make and adopt such a constitution, by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, and alter or repeal the same at pleasure, as, in their discretion, are necessary to the management or conducive to the interests of said association; and may require of stockholders to affix their respective signatures to said constitution, by-laws, &c., as fully consenting to the terms thereof, and conditional to the ownership of stock in said association.

President and directors may make by-laws.

§ 6. That the board of directors, a majority of whom shall constitute a quorum, shall elect one of their number president, whose vote, in all cases of a tie, shall be decisive; and the board of directors shall have power to fill vacancies occurring in their body by death, removal, resignation, or otherwise, by election from the stockholders; and they shall have power to elect a treasurer, one or more vice presidents, and one or more secretaries, and such other officers as necessary to the interests of said association; and may require of all its officers bond, with security, for the faithful discharge of their respective duties.

President—how elected.

Other officers—how elected.

§ 7. That for and during the days on which said association may hold its exhibitions, the board of directors may, for satisfactory consideration, rent or lease to, and have exclusive control over, shows, menageries, minstrel troupes, curiosities, swings, booths for refreshments, sale-stands, and similar institutions, the privilege of exhibiting or selling within their

May rent or lease show privileges.

Proviso.

grounds with exemption from taxes, fines, or license, State or municipal: *Provided*, That said board of directors shall not allow within their grounds, or the vicinity thereof, any immoral exhibition, or any gambling devices, swindling, or the sale or gift of any intoxicating liquors.

Persons prohibited from erecting booths or sheds within 300 yards of grounds without consent of directors.

§ 8. That for and during the days on which the said association may hold its exhibitions, no person shall, without the consent of the board of directors first had and obtained, erect on any lot or land, road, street, or alley, within the distance of three hundred yards of the boundary of the grounds owned or leased by said association, any booth, stall, or shed, or station any table, stand, wagon, cart, or other vehicle, for the sale or gift of any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, &c.; and any person who shall violate the provisions of this act shall be liable for a fine of not less than five nor more than twenty dollars for each separate act of selling, to be recovered by warrant from the mayor's city court of Ashland, and tried before said mayor of Ashland; and all fines so recovered shall be for the benefit of said association.

Penalty.

Power of marshal and police.

§ 9. That the board of directors aforesaid, during the days aforesaid, shall have power to remove any booth, stall, shed, table, stand, wagon, cart, or other vehicle, on or at which any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, &c., are sold or offered to be sold, within the distance aforesaid of the grounds of said association, without the consent of the board of directors aforesaid first had and obtained; and they may also, by their marshals and police, arrest any disorderly person within their grounds, or the distance thereof aforesaid, who may annoy or disturb the crowd in attendance, or obstruct the gates of entrance, or otherwise interfere with their exhibitions, and bring them summarily before the mayor's city court of Ashland, to be dealt with according to law.

Penalty for trespassing on the grounds of association.

§ 10. That any person who shall at any time trespass on the grounds owned or leased by said association by hunting, shooting, fishing, gaming for money, or by lewd or immoral conduct, or by marring, defacing, or otherwise injuring the trees, shrubbery, ornaments, buildings, or other property, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more

than twenty dollars for each offense, or in default of the payment of whatever fine may be imposed, imprisonment in the city jail of Ashland for not less than twenty days, such fine recoverable by warrant, in the name of the Commonwealth, from the mayor of the city of Ashland, or by indictment in the mayor's city court of Ashland; and in case of a warrant from the mayor's city court of Ashland, it shall be the duty of the city attorney to prosecute; and in case of indictment it shall be the duty of the city attorney to prosecute, such attorney to have twenty-five per cent. of all fines collected, provided he herein prosecutes as required; and all fines collected under this act (less prosecuting attorney's fees) shall be for the benefit of said association.

§ 11. That the board of directors shall have power to appoint a marshal and as many policemen as they shall deem necessary, who shall take the oaths prescribed by law for constables before the mayor of the city of Ashland, or some justice of the peace for Boyd county, and who shall have the same power in making arrests and suppression of riots, routs, and disorderly conduct, within the limits of said fair grounds, to the same extent as constables have.

Board of directors may appoint marshal & policemen.

§ 12. That the stockholders shall not be liable for any debts of said association to any greater extent than the amount of stock subscribed by them.

Stockholders not liable for debts of association.

§ 13. This act to take effect and be in force from its passage.

Approved January 17, 1878.

CHAPTER 37.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in relation to the town of Danville,'" approved March 8th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of said act be so amended as to require the "board of equalization" therein provided for to complete the valuation required by them to be made, and to return the same to the clerk of the board of trustees on or before the 15th day of June, annually.

§ 2. That section one of said act be so amended, and section two of said act be so further amended, as to require the trus-

tees of said town of Danville to give notice, by one publication in a newspaper published in said town, and ten days prior to a meeting to be held by them for that purpose, on or before the 10th day of July, annually, that all persons who may feel aggrieved by an excess of valuation of their personal or real estate may appear before them at the time and place fixed in said notice, and, upon satisfactory evidence being made to them, such valuation may be changed.

§ 3. This act shall take effect from its passage.

Approved January 17, 1878.

CHAPTER 38.

AN ACT to amend an act, entitled "An act to incorporate the Strangers' Rest Lodge, No. 13, Independent Order of Odd Fellows, Henderson, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Strangers' Rest Lodge, No. 13, Independent Order of Odd Fellows, Henderson, Kentucky," approved February 6th, 1873, be amended as follows:

Authorized to
issue bonds not
exceeding \$15,-
000.

First. That said Strangers' Rest Lodge be, and they are hereby, authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars, in denominations of not less than twenty-five nor more than five hundred dollars, payable at the Henderson National Bank, bearing interest at a rate not exceeding (8) eight per cent. per annum, interest payable semi-annually. Said bonds shall be payable twenty years after date, and redeemable at the pleasure of the lodge at the expiration of five years. Said bonds shall be signed by the noble grand and attested by the secretary of said lodge, and to each of said bonds the corporate seal shall be attached: *Provided, however,* That the bonds, or the proceeds thereof, issued under and by virtue of this act, shall be used solely and exclusively for the purpose of retiring and redeeming the bonds issued by said lodge under the act to which this is an amendment, and that the bonds so retired and redeemed shall be withdrawn and canceled by said lodge as the bonds herein authorized shall be issued.

By whom signed.

Proviso.

Bonds—how
secured.

Second. That the bonds issued under and by virtue of this amended act shall have the same binding force and effect,

and shall be secured by the same property, and in the same manner, as the bonds issued in pursuance of the act to which this is an amendment, and shall be subject to the same provisions, restrictions, limitations, and exemptions as in the original act provided.

Third. This act shall take effect and be in force from and after its passage.

Approved January 17, 1878.

CHAPTER 39.

AN ACT for the benefit of Robert B. Kendall, of Fleming county.

WHEREAS, It appears that Robert B. Kendall, of the county of Fleming, and the Commonwealth of Kentucky, is a minor, aged twenty years, and it further appearing satisfactorily that an urgent necessity exists therefor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert B. Kendall, of the county of Fleming, and Commonwealth of Kentucky, son of Rawleigh Kendall, deceased, and a minor, be, and he is hereby, invested with all the rights, privileges, and immunities of a citizen of full majority, and that all disabilities heretofore attached to him by reason of his minority be, and the same are hereby, removed, and he is invested with all the rights of an adult; and he is empowered to make contracts and do all other things, except vote, that an adult may lawfully do: *Provided*, That nothing herein contained shall exempt said Kendall from any liability incurred after the passage of this act on account of his infancy.

§ 2. This act shall take effect from its passage.

Approved January 17, 1878.

CHAPTER 40.

AN ACT to incorporate Mt. Carmel Lodge, No. 513, Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles F. Marshall, Charles Proctor, and Charles Nute, jr., and their successors in office, be, and they are here-

Corporators.

by, constituted a body politic and corporate, under the name and style of Mt. Carmel Lodge, No. 513, of Free and Accepted Masons; and that the officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, and to answer and be answered, in all the courts of law and equity of this State and elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at their pleasure.

Corporate powers.

May hold and acquire real estate.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real or personal estate, to an amount not exceeding five thousand dollars; to dispose of and convey the same at their pleasure.

Officers to be elected annually.

§ 3. The business and affairs of said corporation shall be under the management and control of the first three named officers of the lodge, to be elected annually by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority of the members thereof.

Members may make by-laws.

§ 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, as may be necessary for the safe-keeping of the property and other interest of said lodge, not inconsistent with the Constitution of the United States or of the Constitution of this Commonwealth.

§ 5. This act to be in force from its passage.

Approved January 17, 1878.

CHAPTER 41.

AN ACT for the benefit of the trustees of the town of Danville.

WHEREAS, It appears that the board of trustees of the town of Danville, in accordance with the desire of a large number of the property-holders of said town, and for the purpose of protection against the loss of property by fire, purchased of the Champion Fire Extinguisher Company of Louisville, Kentucky, fire apparatus, for which they agreed to pay said company the sum of three thousand one hundred dollars, so soon as the General Assembly of the Commonwealth of Kentucky should grant to said town authority to levy and collect an ad valorem tax of not exceeding fifteen cents on the one hundred dollars, in addition to the tax now authorized by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Danville be, and they are hereby, authorized and empowered to assess, levy, and collect an ad valorem tax of not exceeding fifteen cents on the one hundred dollars' worth of property subject to taxation for municipal purposes in said town, in addition to the tax now authorized by law for the purpose of paying for fire apparatus purchased by said trustees from the Champion Fire Extinguisher Company of Louisville, Kentucky. Said tax shall be levied and collected for the year 1878, and so long thereafter as may be necessary to collect and pay to said Champion Fire Extinguisher Company, a sum not exceeding thirty-one hundred dollars, the purchase price of said apparatus, and the interest due thereon.

§ 2. This act shall take effect from its passage.

Approved January 17, 1878.

CHAPTER 43.

AN ACT to authorize the county court of Scott county to issue bonds to meet the expenses incurred in erecting and furnishing a new court-house.

WHEREAS, The court house of Scott county was destroyed by fire on the — day of September, 1876, and the county court of said county, composed of the county judge and a majority of the justices, have caused to be erected, and contracted for furnishing, a new court-house upon a cash basis, paying therefor by orders or warrants of said court, based upon monthly estimates of the architect, which warrants or orders were cashed by the Georgetown Branch of the Farmers' Bank of Kentucky at their face value, upon the promise of certain individuals that said bank should be paid interest at the rate of eight per cent. per annum, payable semi-annually, from their respective dates until paid; and whereas, the indebtedness incurred in the erection and furnishing said court-house in excess of funds on hand, and those now being collected, which have been and will be appropriated to the payment of the same, amounts to a sum not exceeding (\$30,000) thirty thousand dollars:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Scott county court be, and is hereby, authorized to issue thirty bonds of one thousand dol-

County judge
authorized to
issue bonds.

lars each, to be signed by him and attested by the clerk of the Scott county court, at a rate of interest not exceeding eight per cent. per annum, payable semi-annually; and said bonds and interest to be payable at such times as the Scott county court, composed of the county judge and a majority of the justices, may determine: *Provided*, That the date of maturity of none of said bonds shall be extended beyond the first day of July, 1881. Said bonds shall be sold by an agent or agents appointed by the said Scott county court, and the proceeds applied under the discretion of said court.

When and how
to be paid.

Bonds to be sold
by an agent.

§ 2. The said county court shall be authorized to levy an ad valorem tax on all the property in Scott county which is subject to State taxation for revenue purposes, sufficient to pay said bonds and interest, payable and collectable as the revenue tax, and to be levied and collected in one and two years, or one, two, and three years, or one, two, three, and four years, as said county court shall, by order, direct; which moneys so collected shall, under the direction of said court, be applied to the discharge of said bonds and interest.

County court
may levy an ad
valorem tax.

How collected.

And applied.

§ 3. The clerk of said county court shall keep a record-book of said bonds, and the date of their issue, and when payable, and the date of the payment and cancellation of the same. Said bonds shall not be signed or dated until the same shall be sold, at which time a record of the sale shall be made.

County court
clerk to keep a
record-book of
bonds.

§ 4. The aforesaid agent or agents, before selling any bonds, shall execute bond, with surety approved by the clerk of the county court, to the effect that he or they will faithfully discharge his or their duty as such, and obey all orders of the Scott county court in that behalf. The county judge and county clerk shall be liable upon their official bonds for a faithful discharge of duties under this act; and the sheriff shall be liable upon his official county levy bond for the collection and proper disposition of all moneys authorized by his act to be collected, or the county court, in its discretion, may require of the sheriff a separate bond for the same, with surety approved by the said court.

Agent to execute
bond.

§ 5. This act shall take effect from and after its passage.

Approved January 19, 1878.

CHAPTER 44.

AN ACT to repeal in part an act, entitled "An act to provide for the levy and collection of a tax on dogs, and to protect the rights of owners in certain counties," approved March 16, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the levy and collection of a tax upon dogs, and to protect the rights of the owners thereof in certain counties," approved March 16th, 1876, be, and the same are hereby, repealed, as to the counties of Calloway, Marshall, Lyon, Bracken, Bell, Scott, Shelby, Owen, Christian, Hopkins, Butler, Edmonson, Carroll, Pendleton, Grant, Livingston, Crittenden, Montgomery, Clark, and Bourbon.

§ 2. This act to take effect from and after its passage.

Approved January 19, 1878.

CHAPTER 45.

AN ACT to amend the town laws of Dixon, in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 4, 1869, entitled "An act to amend an act, entitled 'An act to re-enact and amend the town laws of Dixon, in Webster county,'" be, and the same is hereby, amended as follows:

§ 2: That the offices of police judge and marshal of the town of Dixon is hereby abolished, and the justices of the peace for the Dixon district, in Webster county, shall have jurisdiction, and shall perform all the duties heretofore enjoined on the police judge of said town, and shall be entitled to the same fees as justices receive for similar services.

Office of police judge and marshal abolished.

§ 3. That the constable of the Dixon district, in Webster county, shall perform all the duties and receive the same fees, and be responsible on his official bond, as has been heretofore enjoined on the marshal of said town, and shall be proceeded against in the same manner as constables and sheriffs are now proceeded against by law.

Constable to perform the duties of marshal.

§ 4. This act shall take effect from its passage.

Approved January 19, 1878.

CHAPTER 46.

AN ACT to amend the charter of Fairview.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bond of marshal
to be recorded in
county court
clerk's office.

§ 1. That the bond which the marshal of the town of Fairview is now required by law to give for the faithful discharge of his duties as such marshal, shall, as often as it is executed, be recorded in the office of the clerk of the county court of Christian county; and after it has thus been recorded, the marshal shall have the same power and authority to act in the county of Christian which he now has or may hereafter be invested with in the county of Todd.

§ 2. For any breach of said bond, said marshal and his sureties may be sued in the courts of either of said counties.

§ 3. This act shall take effect from its passage.

Approved January 19, 1878.

CHAPTER 47.

AN ACT to authorize and empower the Pulaski county court to issue the bonds of said county, bearing a rate of interest not greater than eight per cent., and to pay off and redeem with the proceeds of the sale thereof the outstanding county court-house bonds of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may issue bonds.

§ 1. That the Pulaski county court, a majority of the justices being present and concurring, may cause the bonds of the county, not to exceed in the aggregate the sum of twenty-nine thousand five hundred dollars, of such denomination as the court may choose, not less than one hundred dollars each, to be executed (in printed form), under the seal of the county court, signed by the presiding judge of the court, and countersigned by its clerk, payable when and where the court may elect, with annual or semi-annual interest coupons, at a rate not exceeding eight per cent. per annum; and each coupon thereunto attached shall be signed by the clerk of the county court.

How signed.

Proceeds of
bonds—how to
be applied.

§ 2. The proceeds of all sales of the bonds herein authorized to be issued shall be used for the sole purpose of paying off and redeeming what is known as the present outstanding ten per cent. Pulaski county court-house bonds, issued and sold by

virtue of an act of the General Assembly of the Commonwealth of Kentucky, approved January 31st, 1873.

§ 3. The said county court shall have full power and authority to negotiate the sale of the bonds herein provided for, and the redemption and cancellation of the present courthouse bonds, through a committee or agents appointed by it.

County court
may negotiate
the sale of bonds.

§ 4. To raise money to pay off the bonds provided for in this act, the county court of said county, sitting as a court of claims, are hereby authorized to levy an ad valorem tax, not to exceed twenty cents on each one hundred dollars, on all property subject to State or county revenue; and, at its discretion, to levy a per capita tax, not to exceed fifty cents, on the tithables of the county, for each and every year such tax or taxes may be necessary.

County court
may levy a tax.

§ 5. That the sheriff or collector of taxes of Pulaski county and their sureties shall be responsible on their bonds for the collection of taxes herein authorized, in the manner they are responsible for the ordinary county levy; shall have and exercise the same powers, in the collection thereof, as are conferred for collecting the county and State taxes; and shall, under the same penalties, pay over to whom the said court shall appoint receiver, and at such times as the court may require.

Sheriff and his
sureties responsible
for collection
of taxes.

§ 6. That the court shall designate the county treasurer, or, if there be no such officer, a special treasurer, to receive the funds raised as herein provided, and pay out the same as the court may direct; and such treasurer shall, before receiving any of said moneys, execute bond, with good and sufficient surety, to be approved by said court, for the faithful performance of his duties.

Who to receive
funds raised.

§ 7. That each act of the said county court herein authorized shall be done by an order entered on its records, a majority of all the justices of the county being present and concurring.

§ 8. All laws in conflict with this act be, and the same are hereby, repealed.

§ 9. This act shall take effect from its passage.

Approved January 19, 1878.

LAWS OF KENTUCKY.

CHAPTER 48.

AN ACT to amend an act, entitled "An act to incorporate the Frankfort and Flat Creek Turnpike Road Company," approved February 15th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act incorporating the Frankfort and Flat Creek Turnpike Road Company, approved February 15th, 1869, be so amended as to make the western corporate limits of the town of Belle Point, in Franklin county, instead of the town of Frankfort, as provided in section 1 of said act, one of the termini of said road, so that the concluding portion of said section 1 of said act shall hereafter read as follows, to-wit: from the western corporate limits of the town of Belle Point, in said county of Franklin, to the mouth of Marshall's Branch, on Flat creek, in said county.

§ 2. This act shall take effect from and after its passage.

Approved January 22, 1878.

CHAPTER 50.

AN ACT to amend an act to incorporate the Augusta and Berlin Turnpike Road Company, in Bracken county, approved March 16, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the president and directors of said road to extend the line of said road from its present terminus, on the most practical route, to Willow Meeting-house, in said county.

President and directors may extend road.

§ 2. They, the said president and directors, shall have power to secure subscription of stock for the purpose of making said extension, to secure the right of way, and do any other act authorized to be done by the act to which this is an amendment.

And receive subscriptions.

§ 3. *Be it further enacted,* That section 6 of said act to which this is an amendment be so amended, that on the annual election of president and directors of said road the stockholders shall cast the vote in the same manner and ratio as provided in the act incorporating the Augusta, Cynthia, and Georgetown Turnpike Road Company, in the election of officers; and so much of said section 6 as is inconsistent with said act, is hereby repealed.

How annual election shall be conducted.

§ 4. *Be it further enacted*, That the president and directors of said Augusta and Berlin Turnpike Road Company shall have the privilege of erecting a toll-gate within less than one mile of the corporate limits of the city of Augusta.

May erect a toll-gate.

§ 5. This act shall take effect from and after its passage.

Approved January 22, 1878.

CHAPTER 51.

AN ACT to amend the charter of the town of Livermore, in McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Livermore, in McLean county, be so amended as to allow the trustees of said town to levy and collect a special tax on the citizens and property within the corporate limits of said town, for the purpose of building a lock-up or prison-house, for the temporary confinement of drunken and disorderly persons, and others requiring temporary confinement, with the following proviso: that said trustees shall not assess a tax of more than one dollar on the head of each male citizen over the age of twenty-one years, or more than twenty-five cents on the hundred dollars' worth of property in said town, for the aforesaid purpose.

Trustees may levy and collect special tax.

Proviso.

§ 2. *Be it enacted*, That this act shall take effect from its passage.

Approved January 22, 1878.

CHAPTER 52.

AN ACT to authorize the county court of Hickman county to appropriate money to build a jail in said county, and to levy a tax therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hickman county, a majority of the justices of the peace in commission in said county being present and concurring therein, be, and they are hereby, authorized to appropriate such a sum of money as they may deem necessary to purchase ground and build a jail for said county: *Provided*, Said sum of money thus appropriated shall not exceed ten thousand dollars.

Majority of the justices of the peace may appropriate money to purchase ground.

Proviso.

§ 2. The county court of said county, a majority of the justices concurring therein, may levy a per capita tax upon persons residing in said county, liable to pay per capita tax, of not more than fifty cents against any one person, and an ad valorem tax upon all property in said county subject to taxation for State revenue, of not more than twenty-five cents in any one year on the one hundred dollars in value of said property, until the amount appropriated, as provided for in the first section of this act, is raised. The taxes provided for in this act shall be collected as other county taxes are now collected; and for any breach of duty, a motion may be maintained against the sheriff and his securities on his bond for the collection of the county levy of Hickman county.

May levy a per capita tax.

Not more than 50 cents.

And an ad valorem tax of not more than 25 cents on \$100.

Taxes—how collected.

§ 3. That should the sheriff have to be motioned or sued for any default, the court rendering the judgment shall also add to the principal interest at the rate of eight per cent. per annum from the time the principal should have been paid or the default occurred, and direct that said judgment shall bear interest from its date until paid.

Penalty of sheriff for default.

§ 4. This act shall take effect from its passage.

Approved January 24, 1878.

CHAPTER 53.

AN ACT to incorporate the Beattyville and Miller's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the Beattyville and Miller's Creek Turnpike Road Company, for the purpose of constructing an artificial macadamized turnpike road from the town of Beattyville, in Lee county, to the ford of Miller's creek, in Estill county, where the Irvine and Proctor road crosses said creek, or at some point on the creek near said fork, and to intersect the Irvine and Miller's Creek Turnpike Road, which last named was chartered by the General Assembly of Kentucky March 12th, 1869.

Name and style.

Corporate powers.

§ 2. That the capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each.

Capital stock, \$30,000.

§ 3. The following commissioners, or such of them as may choose to act, are appointed to receive subscriptions of stock in said company, viz: Elias M. Pryse, G. S. Williams, and William Wyatt, John G. McGuire, J. J. Hampton, John S. Mahan, David Pryse, Daniel Scott, and John M. Davidson, who may open books at such times and places as they, or any of them, may think proper, until all of said stock, or so much as may be necessary to construct all of said road, be taken.

Commissioners
to receive sub-
scriptions of
stock.

§ 4. The commissioners shall procure books, in which the stockholders shall enter into the following obligation, to-wit: "We, whose names are hereunto annexed and subscribed, promise to pay to the president, directors, or company of Beattyville and Miller's Creek Turnpike Road Company, the sum of twenty-five dollars for each and every share of stock set opposite to our names, and in such proportions, and at such times and places, as the president and directors may require: *Provided*, The calls shall be thirty days apart, and that interest is to be paid on the calls, if not paid within thirty days after the calls are made, at the legal rate of interest."

Obligation.

§ 5. That the stockholders shall be entitled to one vote for every share of stock held by them; and when any stockholder may be absent, he may vote by proxy, in writing.

Each share en-
titled to one vote.

§ 6. That a president and three directors shall be elected by the stockholders at a public meeting to be held in the town of Beattyville, at such time as such commissioners may deem proper, notice of the time of such election to be given by posting up notices at five or more public places along the route of the proposed road, and other public places, for ten days previous to the election.

Officers—when
and how elected.

§ 7. That the president, or any two of the directors, may call a meeting of the stockholders or of the directors at any time that he or they may desire or deem it necessary. The president and two directors shall form a quorum, or, in the absence of the president, then three directors, shall form a quorum to transact business; and so soon as two thousand dollars of said stock is subscribed, and the company is organized, said company may commence and proceed with the construction of the road.

When company
may proceed to
business.

Board of directors may appoint officers.

§ 8. The board of directors may appoint such other officers as they may deem necessary to conduct the business of the company; may have the power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and may make such by-laws as they may deem necessary, which do not conflict with the laws of this State.

May make by-laws.

When toll-gate to be erected.

Proviso.

§ 9. The grade and thickness of the metal shall be determined by the president and directors of said company—one toll-gate to be erected as soon as two miles of said road are completed: *Provided*, That said company shall charge and be entitled to collect the same tolls as are charged on the Richmond and Lexington Turnpike Road.

Powers of president & directors.

§ 10. The president and directors shall have power to locate, build, and establish said road between the points designated, on or near the present road leading from Irvine to Beattyville, or they may make it on the route most available and less expensive, as they may think proper. They may acquire, by purchase, gift, relinquishment, deed, writ of *ad quod damnum*, or otherwise, the right of way for the road upon the route adopted, and also grounds for the toll-house, not exceeding one acre for each toll-house, and such timber, rock quarries, &c., as may be necessary for making and completing and keeping in repair said road, agreeing to pay and paying reasonable compensation therefor; the road to be thirty-five feet wide, and the part of it graded ten feet wide.

County court of Estill and Lee may subscribe stock.

§ 11. The county courts of Estill and Lee counties may subscribe stock in said company upon the same conditions as other stockholders.

When county judge of Estill shall order an election.

§ 12. The county judge of Estill county shall order an election to be held in the Irvine and Miller's Creek voting or justices' precincts, or either one or both of them, upon the application of a majority of the commissioners herein named, to be held within thirty days after such application, at which election every qualified voter in said districts shall be entitled to vote. At said election the sheriff of Estill county shall open a poll-book as required in general elections; and he shall, by himself or deputy, propound to each voter the following question: "Are you in favor of the Irvine and Miller's Creek precincts, or either of them (as the case may be), subscribing two thousand dollars stock in the Beattyville and Miller's Creek Turnpike Road Company?" If the voter an-

swers in the affirmative, his vote shall be recorded in favor of the subscription; but if in the negative, then his vote shall be recorded against the subscription. Said poll-books shall be compared by the same officers, and in the same manner, that the poll-books of general elections are; and if a majority of the votes cast in the two precincts, or either of them, are in favor of said subscription, the county judge of said county shall, for and on behalf of said two election precincts, or either of them, subscribe the sum of two thousand dollars, and the said two precincts, or either of them, shall hold said stock as a single individual, and the same shall be held as personal property. The county court of Estill county shall have power to levy an ad valorem tax on each one hundred dollars' worth of property owned by the citizens residing in said Irvine and Miller's Creek precincts, and upon any real estate lying in either of said districts, sufficient to pay the calls on said stock aforesaid, to be collected as county levies are; and the sheriff of said county and his sureties shall be liable for said tax on his bond for the county levy. If, at the first election, a majority of the votes are cast against the subscription, another election shall be held in the same manner as the first, and so on, from time to time; and upon the application of the commissioners herein named, the vote may be taken on a larger or a smaller sum than two thousand dollars, upon the same conditions, and for the same purposes; and the county court shall levy a tax, as herein, for the payment of any amount that may be voted by said district or districts, and the sheriff shall collect the same, as provided in this section: *Provided, however,* That upon the request of said commissioners, the county judge of Estill county shall order an election for the purposes herein mentioned, in either one or both of said districts, and that the amount of subscription to the stock to be voted for in said company may be two thousand dollars in the Irvine precinct and two thousand dollars in the Miller's Creek precinct; and that where a majority of votes cast in either precinct are in favor of said subscription, the county court of Estill county shall levy a tax on the property in said district, as herein provided, to pay said subscription, in the same manner, and to be collected and accounted for in the same way, as hereinbefore provided for. The vote may be taken in said districts upon larger or smaller sums than two thousand dollars in the Irvine and two thou-

sand dollars in the Miller's Creek districts, upon the same conditions and for the same purposes.

When county
judge of Lee shall
order an election.

§ 13. The county judge of Lee county shall order an election to be held in Lee county, upon the application of the majority of the commissioners herein named, within thirty days after such application, at which election every qualified voter residing in said county shall be entitled to vote. At said election the sheriff shall open a poll-book as required in general elections; and he shall, by himself or deputy, propound to each voter the following question: "Are you in favor of Lee county subscribing ten thousand dollars stock in the Boattyville and Miller's Creek Turnpike Road Company?" If the voter answers in the affirmative, his vote shall be recorded in favor of the subscription; but if in the negative, his vote shall be recorded against the subscription. Said poll-books shall be compared in the same manner and by the same officers that the poll-books of general elections are compared; and if a majority of the votes cast in said county are in favor of the subscription, the county judge of said county shall, for and on behalf of said county, subscribe the sum of ten thousand dollars; and said county shall hold said stock as a private individual, and the same shall be held as personal property. The county court of Lee county shall have power to levy an ad valorem tax on each one hundred dollars' worth of property owned by the citizens residing in Lee county, and upon any real estate lying in said county, sufficient to pay the calls on said stock aforesaid, to be collected as county levies are collected; and the sheriff of said county and his sureties shall be liable for said tax on his bond for the county levy. If, at the first election, a majority of the votes are cast against the subscription, another election may be held in the same manner as the first, and so on, from time to time; and, upon the application of the commissioners herein named, the vote may be taken upon a larger or smaller sum than ten thousand dollars, upon the same conditions and for the same purposes; and the county court shall levy a tax as herein for the payment of any amount that may be voted by said county, and the sheriff shall collect and pay over the same as provided in this section.

Officers—when
elected.

§ 14. The president and directors shall hold their offices for the term of twelve months, excepting the ones first elected; and after the first election they shall be elected on the first

Monday in May of each year, in the manner prescribed in the sixth section of this act. They shall keep, or cause to be kept, a fair and just account of all moneys which shall be received by them, and of all moneys by them expended in the prosecution of said work; and all cost, charges, and expenses of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of said company. The president and directors, at the end of every year after the completion of the road, shall make a dividend of the clear profits, if any, and pay the same to the stockholders on the first Monday in May of each and every year.

§ 15. That after said road is completed, the board of directors shall erect four toll-gates, and employ a gate-keeper for each gate; take bond from them, and fix their salary; and they shall collect the rate of toll herein allowed from persons traveling on or using said road.

Four toll-gates shall be erected when road is completed.

§ 16. The stock in said company shall be transferable: *Provided*, The rates of toll charged shall not exceed the rates fixed by the General Statutes; and the General Assembly of the Commonwealth of Kentucky reserves the right to change or repeal this charter at pleasure.

Stock transferable.

§ 17. That if any of the stockholders in said road fail to pay their calls when due, they shall be liable to suit in any court having jurisdiction.

Stockholders liable to suit.

§ 18. That the said corporation shall have power to do all other acts and things that are necessary to be done to locate, establish, and complete said road.

Corporate powers.

§ 19. This act shall take effect from its passage.

Approved January 24, 1878.

CHAPTER 54.

AN ACT for the benefit of the Boyle county court.

WHEREAS, It appears that the jail of Boyle county was destroyed by fire in April, 1876, and that a new jail has been erected in said county upon a different lot from the one upon which the former jail stood, and that citizens of Boyle county, upon their individual credit, raised the sum of one thousand five hundred and fifty dollars, to be used in part payment for said lot, and the same has been conveyed to said county free of incumbrance; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Boyle county be, and they are hereby, empowered and directed to appropriate any funds now on hand, or hereafter accruing from taxes collected for county purposes, to pay off and discharge the sum of one thousand five hundred and fifty dollars, and the interest thereon, so raised for said county by citizens thereof; and if necessary therefor, said court may levy an ad valorem tax for the year 1878, not to exceed an amount sufficient to pay off and discharge the same.

§ 2. This act shall take effect from its passage.

Approved January 24, 1878.

CHAPTER 55.

AN ACT to amend an act, entitled "An act to improve the Narrows in the South Fork of the Kentucky river."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1st, chapter 243, of an act approved February 25th, 1876, to improve the navigation of the South Fork of Kentucky river, between the mouth of Newfoundland creek and Crane creek, in Clay county, at the Narrows, be, and the same is hereby, amended, so as to allow the commissioners to expend the unexpended seven hundred and ninety dollars of the sum appropriated, at such other places on the aforesaid South Fork, between the mouth of Road Run and the Forks of Goose creek, as will be to the best interests of the navigation of the South Fork, but mostly on the Narrows.

§ 2. The said commissioners are to be governed by the regulations in the original act.

§ 3. The original act is hereby further amended by striking out the name of A. E. Robertson, and inserting the name of Stephen Gibson in lieu thereof, who is hereby appointed a commissioner, to act in conjunction with T. T. Garrard, the other commissioner, for the purposes aforesaid.

§ 4. This act shall take effect from its passage.

Approved January 24, 1878.

CHAPTER 56.

AN ACT to legalize the levy made by the Morgan county court at its October term, 1877.

WHEREAS, The Morgan county court of claims, at its October term, 1877, in order to pay the debts of the county, made a levy of a poll-tax of two dollars, and an ad valorem tax of ten cents upon each one hundred dollars' worth of property assessed for tax due for revenue purposes, and some doubt exists as to the legality of the same:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the order of the court of claims of Morgan county, made at its October term, 1877, imposing a poll-tax of two dollars, and an ad valorem tax of ten cents, upon each one hundred dollars' worth of property, be, and the same is hereby, legalized.

§ 2. This act to take effect from its passage.

Approved January 24, 1878.

CHAPTER 57.

AN ACT to amend the act, entitled "An act to charter the Westport, Carrollton, and Ghent Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the stockholders in the Westport, Carrollton, and Ghent Railway Company shall have the power and right to organize, by the election of all the officers named in the charter of said company, whenever there shall have been thirty thousand dollars of the capital stock of said company subscribed: *Provided, however,* That said election shall be held in pursuance of the provisions of said charter.

§ 2. This act to be in force from its passage.

Approved January 24, 1878.

CHAPTER 58.

AN ACT to incorporate the James H. Hall Eagle Plow Company, of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James H. Hall, sr., Robert F. Means, John H. Hall, James H. Hall, jr., and Samuel M. Hall, their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the James H. Hall Eagle Plow Company, and are made capable of contracting and being contracted with; and by the said name are made capable in law to sue and to be sued, to plead and be impleaded, in any court in this Commonwealth or elsewhere; and to make and use a common seal, and to alter and change the same at pleasure; and also to adopt, amend, and put in execution necessary by-laws for the convenient government of the said corporation, not inconsistent with this charter nor the Constitution and laws of this State or of the United States.

§ 2. The capital stock of said corporation shall consist of one million of dollars, in shares of one thousand dollars each; and when the sum of one hundred thousand dollars shall have been subscribed, the said company may organize by the election of four directors, one of whom shall be chosen president; the said president and directors to hold their offices for two years, and until their successors are elected and qualified. The said company may receive conveyances of real estate, or any description of personal property or estate, in part payment or in full satisfaction of the subscriptions of stock taken by any party as may be deemed advisable, and may appropriate the same to the business of the company, or mortgage or sell and dispose of the same as the interest of the company may require. The form of the certificates, and the manner of their transfer, shall be fixed in the by-laws of the company, and a lien is hereby created in favor of the company on the shares of stock of any holder thereof, for any and all claims, debts, dues, or demands which the company may have against the holder of such shares of stock. The stockholders, in the election of officers, shall be entitled to one vote for each share of stock held by them, respectively.

§ 3. The business of said company may embrace all kinds of manufacturing of wood, iron, or other material that may

be found profitable, including as a specialty the manufacture of Hall's celebrated sugar and cotton plows, and other agricultural implements; and said company may purchase and sell all kinds of manufactured or other property, the trade in which may be deemed advantageous to the company.

§ 4. The said company shall have power to borrow money when needed in its business, not to exceed at any time the amount of the capital stock paid in, and may mortgage its property to secure payment thereof, or may issue its bonds therefor, with interest coupons attached, and make the same payable at such times and places as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding eight per centum per annum, and payable annually or semi-annually, as said company may direct.

May borrow money.

Issue bonds.

§ 5. None but stockholders shall be qualified for the offices of president or directors; and if a vacancy shall occur in the office of director, it may be filled by the board until the next regular election by the stockholders. The president and directors may appoint a treasurer, and employ clerks, bookkeepers, and such other persons for other duties as the business, in their opinion, may require, and may take bonds, with surety, from any or all of such subordinates, in their discretion, conditioned for the faithful performance of their respective duties. The president and directors may establish agencies and appoint all such agents as they may find necessary for the transaction of the business of the company, and, in their discretion, may require bond, with surety, from such agents, conditioned for the faithful performance of their duties.

Who qualified for president or directors.

May appoint officers.

§ 6. The liability of the stockholders shall extend to, and be limited by, the amount of stock held by them respectively.

§ 7. This act shall be in force from and after its passage.

Approved January 24, 1878.

CHAPTER 59.

AN ACT to authorize the Bryan Station and Briar Hill Turnpike Road Company to collect certain tolls.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Bryan Station and Briar Hill Turnpike Road Company, incorporated July 31st, 1875, according to the Gen-

LAWS OF KENTUCKY.

eral Statutes of Kentucky, chapter 56, be, and they are hereby, empowered to collect toll from persons traveling the Chilesburg and Clintonville Turnpike Road for the distance traveled, according to their charter and amended charter granted by Fayette county court, under the General Statutes, chapter 56, provided the rates of toll charged shall not exceed the rates fixed by the General Statutes. The Chilesburg and Clintonville Turnpike Road Company has entered into a contract with the Bryan Station Turnpike Road Company satisfactory to both companies.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1878.

CHAPTER 60.

AN ACT to repeal an act to prohibit stock from running at large on turn-
pike roads in Garrard and other named counties, so far as the same applies
to Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections one and two of said act be amended by striking therefrom the word Garrard, so that the provisions of said act shall not apply to Garrard county.

§ 2. This act shall take effect from its passage.

Approved January 24, 1878.

CHAPTER 61.

AN ACT to incorporate the Grand Conclave of Heptasophs.

WHEREAS, Certain persons, citizens of Kentucky, are desirous of forming a corporation for the purpose of uniting fraternally all acceptable men of every profession, business, or occupation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.	§ 1. That John B. Sarles, L. T. Eddy, George W. Griffiths, Hubert Kelley, Val. Speed, Geo. Thomas, Henry Deutsch, and their successors, be, and are hereby, created a body-politic, by the name, style, and title of the Grand Conclave of Heptasophs, or S. W. M. of Kentucky; and by such name
Name and style	and title shall have perpetual succession, and be enabled in

law of suing and being sued, pleading and being impleaded, and of purchasing, holding, granting, and receiving, in its corporate name, property, real, personal, and mixed, not exceeding twenty thousand dollars, for the grand conclave, and not exceeding five thousand dollars by any subordinate conclave, and of instituting such subordinate conclaves as it may see fit, who (the said subordinate conclaves) shall also have the same power as are herein granted to the grand conclave in this section, under such rules, by-laws, and regulations as the corporation may establish, not in conflict with the Constitution and laws of the United States, or of the Commonwealth of Kentucky.

Corporate powers.

§ 2. The object of the corporation shall be to improve the moral, mental, and social condition of the members of the conclaves under its jurisdiction.

Objects of corporation.

§ 3. The said corporation shall have a common seal for the making and delivering of all legal acts and proceedings, the same to break or alter at pleasure.

May have a seal.

§ 4. It shall be lawful for the corporation to create, hold, and disburse a beneficiary fund for the relief of members and their families of the conclaves established by this corporation, under such regulations as may be adopted by the corporation: *Provided*, That such fund shall at no time exceed five thousand dollars.

May create a beneficiary fund.

§ 5. The said corporation may make and constitute for the same such officers as it may deem necessary and proper, whose term of office shall expire on the last Monday of October of each and every year.

May constitute officers.

§ 6. This act to take effect from and after its passage, but may be amended or repealed at the pleasure of the General Assembly of Kentucky.

Approved January 24, 1878.

CHAPTER 62.

AN ACT to authorize the county court of Livingston county to levy an additional tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Livingston county, a majority of the justices in commission being present and concur-

ring therein, is hereby authorized to levy an additional tax, not exceeding ten cents on each one hundred dollars' worth of taxable property in said county, for the purpose of paying off the indebtedness of said county; said tax to be levied for three years only.

§ 2. That it shall be the duty of the sheriff to collect said tax, under the same law and responsibility, and to receive the same compensation, as now prescribed by law for the collection of the county levy, and pay over the same to the order of said county.

§ 3. This act to take effect from and after its passage.

Approved January 25, 1878.

CHAPTER 63.

AN ACT to change the time of holding the court of claims of Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the court of claims for Webster county shall be held on the second Monday in October of each year, and shall continue in session from day to day, until the business before it is completed.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 25, 1878.

CHAPTER 64.

AN ACT to change the time of holding the Webster quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the quarterly courts of Webster county shall be held as now provided in the General Statutes.

§ 2. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 3. That this act shall take effect and be in force from and after the first day of March, 1878.

Approved January 25, 1878.

CHAPTER 65.

AN ACT to regulate the civil jurisdiction of the police and city court of Owensboro, Daviess county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the civil jurisdiction of the city and police court of Owensboro, Daviess county, be increased from fifty dollars to one hundred dollars.

Civil jurisdiction increased from \$50 to \$100.

§ 2. That all provisions of the city charter of said city of Owensboro, inconsistent with the provisions of this act, are hereby repealed.

Charter provisions inconsistent with this act repealed.

§ 3. This act shall take effect from and after April 1st, 1878.

Approved January 25, 1878.

CHAPTER 66.

AN ACT to change the time of holding the court of claims in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the time of holding the court of claims in Marshall county be changed from the first Monday in October to the second Monday in July in each year.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1878.

CHAPTER 67.

AN ACT to incorporate Elijah Upton Lodge, No. 377, Free and Accepted Masons, Warren county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the members of Elijah Upton Lodge, No. 377, of Free and Accepted Masons, in Warren county, Kentucky, and those hereafter admitted to membership in said lodge, be, and they are hereby, incorporated in the name and style of Elijah Upton Lodge, 377, of Free and Accepted Masons; and in that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded;

Corporators.

Name and style.

Corporate powers.

and shall have the power of acquiring and holding, by purchase or otherwise, real and personal property, for Masonic purposes, not exceeding in value five thousand dollars; and may at any time sell and convey the same, or any part thereof, and reinvest or dispose of the proceeds; and to pass and adopt such by-laws for its government as it may deem proper:

Proviso.

Provided, The same be not inconsistent with the Constitution of this State and laws and Constitution of the United States. The said lodge may adopt a seal of office, and renew or change the same at pleasure.

Powers of trustees.

§ 2. That to the master, junior and senior wardens, secretary, and treasurer of said lodge, and their successors in office, is confided the management of the concerns of said corporation as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to personal or real estate of said lodge; and in conveying real estate, they shall join in the conveyance.

Service of process, upon whom to be made.

§ 3. That service of process upon the master, or either of the wardens as trustees, shall be deemed sufficient notice to said lodge.

§ 4. That the General Assembly reserves the right to amend, alter, or abolish this charter at any time.

§ 5. This act to be in force from and after its passage.

Approved January 25, 1878.

CHAPTER 68.

AN ACT to incorporate the bank of J. Amsden & Co., of Versailles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

Corporate powers.

§ 1. That a bank is hereby established in the town of Versailles, Kentucky, by the name and style of J. Amsden & Co., and by that name are incorporated, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change or alter the same at pleasure.

Stock personal property.

Property of stockholders liable.

§ 2. The stock in said bank shall be deemed personal property, and shall be assignable, according to such rules as the board of directors shall, from time to time, establish. The property of the stockholders, real and personal, shall be liable for all the obligations of said bank.

- § 3. That J. Amsden, S. B. Lyons, J. L. Amsden, and J. P. Amsden, or any two or more of them, may, at such time or place as suits their convenience, open books for the subscriptions of stock, which shall be in shares of one hundred dollars each; and when two hundred shares are subscribed and paid for, and affidavit made of such payment by the subscribers and lodged with the clerk of the county court of Woodford county, the stockholders shall meet and organize said bank, by choosing a president, directors, and other officers, whose compensation and salary shall be fixed, and bond and security may be required for the faithful performance of their duties. Corporators.

May open books for subscriptions of stock.

Officers elected.
- § 4. The capital stock of said bank shall be fifty thousand dollars, which may be increased to one hundred thousand dollars. Capital stock.
- § 5. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner, and at such time, as may be agreed upon with depositors by special or general contract; and may deal in loaning of money, exchange, promissory notes, and other evidences of debt, take personal or other security, and real estate for the payment thereof, and dispose of same as authorized by an act, entitled "An act for the benefit of incorporated banks of Kentucky;" and the promissory notes or bills made negotiable and payable at its bank or any other bank, which may be discounted by said bank, and inland bills of exchange which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedies may be had thereon, jointly and severally, against the drawers and indorsers. May receive deposits.

May loan money, exchange, &c.
- § 6. The said corporation may acquire, hold, possess, use, enjoy, and occupy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make all needful by-laws for the government of said bank, not inconsistent with the Constitution and laws of the United States or the State of Kentucky. May acquire real estate, &c.

And sell and convey same.
- § 7. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 8. This act shall take effect from its passage: *Provided*, Said bank is organized under it within one year from the date hereof.

§ 9. The Legislature reserves the right to alter, amend, or repeal this act at pleasure.

Approved January 25, 1878.

CHAPTER 69.

AN ACT to authorize the county judge of Bourbon county to sign certain orders.

WHEREAS, Hon. Richard Hawes, judge of the Bourbon county court, died on May 25th, 1877, during the term of his office, without having signed certain orders made and entered at various regular and called terms of the Bourbon county court, during the years 1876 and 1877; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Matt. Turney, the present presiding judge of the Bourbon county court, be, and he is, directed and authorized to sign the name of "R. Hawes, judge of Bourbon county court," to all of said unsigned orders; and when so signed by him, said orders shall have the same force and effect as if they had been signed by R. Hawes, judge of the Bourbon county court, at the time and the terms said orders were required to be signed by law.

§ 2. This act shall take effect from its passage.

Approved January 25, 1878.

CHAPTER 70.]

AN ACT to authorize the sale of the old court-house and grounds in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county court of Wayne county, a majority of the justices of the peace in commission concurring, is hereby empowered to sell the grounds, buildings, and appurtenances connected with the old court-house, at such time and on such

terms and conditions as they may deem best; and said court may appoint the necessary agent to make said sale, and shall take from said agent the proper bond to secure the faithful discharge of his duty.

§ 2. All moneys raised by such sale shall be applied to the payment of the indebtedness incurred by said county in the erection of the new court-house; and if a surplus shall remain, it shall be placed to the credit and used for the purposes of said county.

§ 3. This act shall take effect from and after its passage.

Approved January 25, 1878.

CHAPTER 71.

AN ACT to amend an act, entitled "An act to incorporate the town of Adairville, in Logan county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of the charter of the town of Adairville, in Logan county, be, and the same is hereby, so amended as to make the jurisdiction of the marshal of said town co-equal with the constables of Logan county in both criminal and civil proceedings.

§ 2. This act shall take effect from its passage.

Approved January 25, 1878.

CHAPTER 72.

AN ACT to define the corporate limits of the town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of the town of Winchester, in Clark county, be changed and defined so as to run as follows, to-wit: Beginning at the intersection of the Elizabethtown, Lexington and Big Sandy Railroad with the western limits of said town; thence with the northern margin of said railroad to where it intersects the old Paris dirt road; thence with the northern margin of said dirt road to the intersection of Water and Highland streets in said town; thence with the western margin of Water street, or the continuation of same on a straight line, in a northerly direction, to the north-
Boundary.

ern boundary line of said town; thence with said northern boundary to where it intersects the eastern boundary line of said town; thence with said eastern boundary line to where it intersects the southern boundary of Jesse E. Gorden's property; thence with said southern boundary of said Gorden's land, in a straight line, to the Winchester and Muddy Creek Turnpike Road; thence with said road to the western boundary of said Gorden's land; thence with said western boundary line to where it intersects the southern boundary line of the property belonging to the heirs of William Flanagan, deceased; thence with said boundary line of the Flanagan property to the point where the western boundary line of the lot now occupied by Gilbert Hord or Gilbert Embry intersects said southern boundary line of the Flanagan property; thence south to the point where the eastern boundary of Mrs. C. F. Buckner's lot intersects said Winchester and Muddy Creek Pike; thence with said pike to the eastern boundary of said town; thence with said boundary line to where it intersects the southern boundary of said town; thence with said boundary line to where it intersects the western boundary of said town; and thence with said western boundary line of said town to the beginning.

§ 2. That all persons living within the limits herein described shall be entitled to the rights and privileges, and subject to the same burdens, laws, regulations, and by-laws now in existence, and applicable to said town and those living in its limits, as they have heretofore existed.

§ 3. That only such persons as have lived within the boundaries of said town, as herein defined, sixty days preceding any election to be held therein, shall be entitled to the rights and privileges of citizens of said town, or to vote at said elections.

§ 4. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 5. This act shall be in force from and after its passage.

Approved January 25, 1878.

CHAPTER 73.

AN ACT to amend an act, entitled "An act concerning the police judge of the town of Hawesville, in Hancock county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act approved 15th March, 1851, concerning the police judge of Hawesville, be amended as follows: A vacancy in the office of police judge of Hawesville, Hancock county, Kentucky, shall be filled in the same manner that a vacancy in the office of justice of the peace is now filled. When, from any cause, a vacancy occurs in the office of police judge of said town, it shall be the duty of the clerk of the Hancock county court to certify the fact to the Governor, who shall thereupon fill the vacancy as provided by this act.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1878.

CHAPTER 74.

AN ACT to amend an act, entitled "An act regulating the mode and manner in which claims against the county of Boyd shall be presented to the county court of Boyd county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act regulating the mode and manner in which claims against the county of Boyd, approved March 18, 1876, shall be presented to the county court of Boyd county," be, and the same is hereby, so amended as to read as follows: that all person or persons having any claim or claims against Boyd county for services rendered on behalf of said county, whether by contract with its duly authorized agents or otherwise, shall, on or before the 15th day of November of each year, file in the county court clerk's office of said county an itemized statement of their account, properly verified.

§ 2. All person or persons failing to file any claim or claims which they may have for any services rendered on behalf of Boyd county, at the time and place and in the manner prescribed in the first section of this act, within two years from

the rendition of said services, shall be forever barred from presenting or enforcing such claim or claims.

§ 3. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 76.

AN ACT to amend the charter of the Kentucky Masonic Mutual Life Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

May divide
membership into
three classes.

§ 1. That the present membership of said Kentucky Masonic Mutual Life Insurance Company, and such increase as may be hereafter obtained, may be divided into three classes, to be known and designated as class one, class two, and class three, class one to be the highest class; and the present holders of certificates of membership in said company, and all persons who may hereafter apply for and obtain such certificates, may select the class in which they desire to be placed.

Secretary to
notify members
of each death.

§ 2. Upon the death of any member of the company, the secretary thereof shall, after proof of death shall have been filed in his office, notify all the surviving members of the death, and thereupon each of them shall pay into the treasury of the company a sum regulated as follows, to-wit: if the deceased shall have been, at the date of his death, a member of class one, all the surviving members of that class shall pay into the treasury one dollar and ten cents, the members of class two shall pay into the treasury fifty-five cents each, and the members of class three shall pay therein thirty cents each. If the deceased shall have been, at the date of his death, a member of class two, the remaining members of that class shall pay, as aforesaid, the sum of fifty-five cents each, the members of class one shall pay fifty-five cents each, and the members of class three shall pay thirty cents each; if the deceased shall have been, at the date of his death, a member of class three, then the members of classes one, two, and three shall pay into the treasury the sum of thirty cents each, Ten cents of the sum paid by each member of class one, upon each assessment, and five cents of the sum paid by each member of class two and three upon each assessment, shall be used in defraying the expenses of the company, and the

Amount to be
paid by class one

Amount to be
paid by class two

Amount to be
paid by class
three.

balance shall be covered into the treasury, and shall be a fund for the benefit of the widow and children of the deceased member.

§ 3. The fund created in pursuance of the next preceding section shall be paid by the company, as soon as it can be collected, to the widow and children of the deceased, if any, or to such as survive: *Provided*, That one third of the fund shall be paid to the widow, and the balance, in equal parts, to the children. If the deceased shall leave no widow, then the entire fund shall be paid to the children in equal parts; and if he shall leave a widow and no children, then it shall be paid to the widow: *Provided further*, That the holder of a certificate may, by his last will, appropriate the fund to his widow and children in equal portions. If the deceased shall leave neither widow nor children surviving him, the fund may be paid as he may have directed in his will. If he shall die intestate, and without widow and children, the fund shall remain in the treasury and vest in the company.

To whom the fund created shall be paid.

§ 4. In order that the beneficiaries under this act may be paid the sum due them immediately upon proof of death, without the delay incident to collecting the assessments, and to have at all times a fund in the treasury for that purpose, the company, through its board of directors, may make and collect four extra assessments: *Provided*, That the said extra assessments shall not be made oftener than once every three months, until the four are made and collected: *Provided further*, That no more than four extra assessments shall be made and collected.

May make extra assessment.

§ 5. The policy fee, membership fees, and medical examiner's fee, shall be the same for all classes, and shall be in accordance with the provisions of the charter now in force. Upon the payment of the said fees, the company shall cause a certificate of membership to be issued to the party applying, with stipulations consistent with the provisions of this act.

Fees.

§ 6. The present members of this company who may desire to be placed in either class two or class three, may surrender their certificates and obtain from the company others in the class in which they desire to be placed, upon paying a policy fee of one dollar.

Members may change their class.
 § 7. Members may change their class from time to time as they may elect: *Provided, however,* That when a member desires to be placed in a higher class, he must, at the time, be within the maximum age for members of this company, and must be re-examined by a medical examiner, whose certificate must accompany the application for the change. A member may change from a higher to a lower class without re-examination. Every member changing from one class to another must pay a policy fee of one dollar, and where medical examination is made, he must pay the fee for same.

Company in no case to pay on any certificate over \$5,000.
 § 8. The number of members in this company may be increased to and retained at three thousand in each class; but the company shall, in no case, pay for any certificate of membership a sum greater than five thousand dollars.

Exempt from taxation.
 § 9. The object of this company being merely to provide a fund for the widows and orphans of Master Masons, therefore the company shall be exempt from the payment of any State, county, or municipal tax or license for transacting business in the State of Kentucky.

§ 10. This act to take effect from and after its passage.

Approved January 29, 1878.

CHAPTER 77.

AN ACT to amend an act, entitled "An act to incorporate the Highland Cemetery," approved March 6, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May issue bonds.
 § 1. That the board of directors of the Highland Cemetery, for the purpose of extinguishing the debt incurred by said cemetery in improving its grounds, is hereby authorized to borrow money, and issue its bonds, to an amount not exceeding fifteen thousand (\$15,000) dollars, payable in twenty years from their date, bearing interest at the rate of eight per cent. per annum from their date, payable semi-annually. These bonds shall be issued under its corporate seal, signed by its president and countersigned by its secretary, with interest coupons attached, signed by its secretary. The bonds shall be in such amounts, and they, together with the coupons, shall be made payable at such place as the board shall direct; and said bonds may be sold or hypothecated by it at not less than par.

§ 2. That to secure the payment of these bonds, and the accruing interest thereon, all of the real estate of the cemetery is hereby pledged, except the avenues and the ground laid out and platted for burial purposes.

Real estate
pledged for pay-
ment of bonds.

§ 3. This act shall take effect from and after its passage.

Approved January 29, 1878.

CHAPTER 78.

AN ACT to change the time of holding the Bath county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the Bath county court in the months of March and September be, and the same is hereby, changed from the first to the second Monday in said months.

§ 2. That hereafter the county court of Bath county shall be held upon the second Monday in each month.

§ 3. That all other acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 79.

AN ACT to empower the Boyle county court to convey a one half interest in the county work-house to the town of Danville.

WHEREAS, It appears that the jail of Boyle county was destroyed by fire, and that an agreement was made of record between a majority of the members of the Boyle county court present and the trustees of the town of Danville, to repair and rebuild said jail at the expense of certain citizens of the town of Danville, for the purpose of making a work-house for the joint use of the county of Boyle and the town of Danville, and the same has accordingly been done; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Boyle county be, and he is hereby, empowered and directed to convey to the trustees of the town of Danville an undivided half interest in and to said work-house and grounds, for the purpose of using and

LAWS OF KENTUCKY.

controlling the same jointly with the Boyle county court, for a work-house for said county and town.

§ 2. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 80.

An act to legalize certain acts and orders of the Boyle county court.

WHEREAS, It is represented that a number of acts have been done, and orders made by former judges of the Boyle county court, and the same spread at large on the order-books of said court, but that the presiding judge or judges failed to sign said orders; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present presiding judge of Boyle county be, and he is hereby, authorized and directed to sign the name of each presiding judge or judges, by himself, to all such acts and orders, and to make an order referring to and identifying all such acts and orders so signed by him; and the same, when so signed, shall have the same effect as if signed by the proper presiding judge at the time they were made and entered upon the order-books of said court.

§ 2. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 81.

AN ACT to amend the charter of the Liederkrantz Society of the city of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Liederkrantz Society of the city of Louisville may acquire, hold, and enjoy such real and personal estate, including that it now owns, as may be suitable and convenient for carrying out the object of said association, which is the cultivation of skill and taste in music, and of social intercourse among its members, and the education of the children of its members in music, not exceeding in value two hundred thousand dollars; and may sell, transfer, and dispose of its property in all respects as private individuals could do.

May acquire real
& personal estate.

Not exceeding
\$200,000.

§ 2. The board of directors of said society shall have power and authority to borrow not exceeding thirty-five thousand dollars, and issue therefor negotiable coupon bonds, payable May issue bonds. in not exceeding thirty years, and bearing an annual interest of not exceeding eight per cent., payable semi-annually, and may secure the same by one or more mortgages or deeds of trust upon its property, or any part of it.

§ 3. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 82.

AN ACT for the benefit of Wm. M. Campbell, sheriff of Trigg county.

WHEREAS, The General Assembly, by an act approved February 5th, 1876, entitled "An act giving the assessor of Trigg county one month additional time to return his books," extended the time of said assessor one month in which to return his books; and whereas, the county court clerk was thus greatly delayed in furnishing the tax-books to the sheriff, and the sheriff thus unavoidably delayed in collecting and paying over the revenue of Trigg county for the year 1876; and whereas, judgment was rendered against Wm. M. Campbell and his sureties at the June term, 1877, of the Franklin circuit court, for the sum of \$8,430 55, with ten per cent. interest thereon from April 1st, 1877, the amount of balance of the revenue of Trigg county for the year 1876 then unpaid; and whereas, said judgment, interest, and costs has been paid in full by the said sheriff, Wm. M. Campbell, for which he has obtained the Auditor's receipt, embracing the sum of three hundred and thirty-four dollars and ten cents, accumulated interest; and whereas, it is a great hardship that said Wm. M. Campbell, under the circumstances, was required to pay said three hundred and thirty-four dollars and ten cents interest; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1 That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Wm. M. Campbell, for the sum of seventy dollars

and twenty-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 83.

AN ACT for the benefit of the administrator of R. W. Robertson, deceased, late sheriff of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of three years be allowed T. A. Robertson, administrator of R. W. Robertson, deceased, who was late sheriff of Harrison county, in which to collect, by distraint or otherwise, all uncollected back taxes of all kinds and fee-bills due to said late sheriff: *Provided*, That the administrator, before receiving the benefits of this act, shall execute bond before the county court, with approved security, to save all persons harmless from loss or damage because of illegal and unlawful distraint in the attempt to collect taxes or fee-bills under this act.

§ 2. This act shall be in force from and after its passage.

Approved January 29, 1878.

CHAPTER 84.

AN ACT to amend the charter of the town of Arlington, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the marshal shall collect the revenue of said town, and shall execute bond, with approved security, to the trustees of said town, conditional for the faithful performance of his duties.

Marshal to
collect revenue.

§ 2. That the town marshal, whose duty it is to collect the revenue of said town under this amendment, shall have the same powers, in collecting said revenues, that sheriffs of this Commonwealth have, and shall be liable, on his official bond, for the faithful and legal discharge of his duties.

Powers of
marshal.

§ 3. That any person found guilty of a breach of the by-laws or ordinances of said town, before the police court, may be compelled to work on the streets or other public works of

Penalty for
breach of by-laws

said town, at the rate of one dollar per day, until, at this rate, he shall have paid the fine so adjudged against him for said violation: *Provided*, He do not pay or replevy the same.

§ 4. *Be it further enacted*, That the said trustees shall have power to license, tax, and regulate auctioneers, retailers, private boarding-houses, coffee-houses, peddlers, insurance agents, brokers, pawnbrokers, tobacco factories, warehouses, and public halls.

Trustees may
issue licenses.

§ 5. To license, tax, and regulate coaches, hackney carriages, omnibuses, carts, drays, and wagons.

§ 6. To license, tax, regulate, or suppress theatrical and other exhibitions, shows and amusements, circuses, menageries, and museums.

§ 7. To license, tax, regulate, restrain, prohibit, and control, in said town, all taverns, victualers, confectioners, retailers of spirituous liquors, alleys for nine or ten-pins, all houses of public resort, billiard tables, pigeon-hole tables, bowling saloons, tippling-houses, lager beer, ale, and eating-houses; but in no case shall the tax or license exceed the sum of twenty five dollars per annum; and no license granted by said trustees shall authorize the holder thereof to transact any business until he shall have obtained such other license as the law may require; nor shall any license authorize any person to transact business in said town until the town license shall have been granted and fully paid for.

§ 8. To suppress gaming, drunkenness, gambling-houses, bawdy-houses, or houses of prostitution, street-walkers, and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders, and may provide for the prevention and punishment of any person who shall rent property to prostitutes, or shall suffer their property to be used or occupied by lewd or disorderly persons, and may prescribe by ordinance such penalty therefor as they may think proper, not inconsistent with the Constitution and laws of this State.

§ 9. This amendment shall take effect from its passage.

Approved January 29, 1878.

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CHAPTER 85.

AN ACT for the benefit of A. B. Duvall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. B. Duvall, of Carter county, be, and he is hereby, permitted and authorized to redeem a certain tract of land lying on Dry Fork, in Lawrence, containing about one hundred acres, purchased by the Commonwealth, on the 20th of December, 1869, in the suit of Commonwealth of Kentucky against John H. Allison, &c., by paying to the Auditor of Public Accounts thirty-four dollars (the amount bid by the State), with interest thereon at the rate of ten per cent. per annum from the date of said sale until paid; and upon the payment of said money, as aforesaid, the said Auditor shall execute, or cause to be executed, to said Duvall a deed for said land, releasing to him all the interest acquired by the State by virtue of the purchase aforesaid.

§ 2. This act to take effect from its passage.

Approved January 29, 1878.

CHAPTER 86.

AN ACT in aid of common school district No. 37, Anderson county.

WHEREAS, The trustee of district No. 37, Anderson county, contracted with the teacher for a less sum than that apportioned the district, which money is now in possession of the commissioner, and it is desired to appropriate it to the payment of the teacher now teaching a common school in said district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum remaining in the hands of the commissioner be appropriated to the support of the common school of district No. 37, and that the commissioner is hereby directed to pay the same to the teacher thereof, and to report the payment to the Superintendent of Public Instruction.

§ 2. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 87.

AN ACT for the benefit of the school trustee in district No. 26, in Lewis county.

WHEREAS, It appears to this General Assembly that the school trustee in school district No. 26, in Lewis county, employed a teacher for a term of five months for the present school year, and agreed to pay him the sum of one hundred and thirty dollars; and whereas, the school fund for said district for the present year is insufficient to pay said teacher for the full term of five months; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said trustee is authorized to reduce the term of said school to four instead of five months, and to report the same accordingly.

§ 2. When the fact that a school has been taught in said district by a qualified teacher for four months is reported by the trustee of said district for the present year, the commissioner shall be authorized to report the same to the Superintendent of Public Instruction, and draw from the Treasury the school fund due said district for the present year, and pay the same to the teacher.

§ 3. This act shall take effect and be in force from its passage.

Approved January 29, 1878.

CHAPTER 88.

AN ACT to enlarge the powers of the common school commissioner of Simpson county.

WHEREAS, Under the act of the General Assembly of the Commonwealth of Kentucky chartering the town of Franklin, Simpson county, the powers of the common school commissioner of said county are so abridged as that he cannot alter, change, or enlarge the Franklin district or common school district No. 1, of Simpson county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common school commissioner of Simpson county be, and he is hereby, authorized to change, alter, or enlarge the said first or Franklin common school district No.

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1, of Simpson county, in like manner and to the same extent as he is authorized to do in cases of other districts under the common school law.

§ 2. That this act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 89.

AN ACT for the benefit of George T. Price, sheriff of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer for thirty-five dollars in favor of George T. Price, for guarding the jury in the case of the Commonwealth versus Rutherford, charged with murder, by order of the judge of the Logan circuit court.

§ 2. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 90.

AN ACT to provide for indexing and cross-indexing deeds and mortgages in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county clerk of Marshall county be required to make a general index and cross-index to all the deeds and mortgages of record in his office, the book or books for that purpose to be furnished and paid for as other public records. For the services performed in pursuance of the provisions of this act, the said clerk shall have a reasonable compensation, to be paid out of county levy of said county.

§ 2. This act shall be in force from its passage.

Approved January 29, 1878.

CHAPTER 91.

AN ACT for the benefit of common school district No. 11, of Bourbon county.

WHEREAS, Fifty-two children were erroneously omitted from the census report of pupil children for the school year

ending June 30th, 1877, in district No. 11, Bourbon county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of ninety-nine dollars and thirty-two cents be appropriated to said district for the benefit of the teacher thereof, to be paid from the interest accruing from the Bourbon county surplus bond, or any unbonded surplus remaining to the credit of said county; and when the commissioner shall draw his draft for the same, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant in favor of Will. H. Lockhart, commissioner of Bourbon county, to be paid by him to the teacher of district No. 11 for said year.

§ 2. This act shall take effect from its passage.

Approved January 29, 1878.

CHAPTER 92.

AN ACT to legalize certain acts and orders of the Marshall county court.

WHEREAS, It appears that N. Durnull, county judge of Marshall county, through neglect or mistake, has failed to sign certain orders and proceedings of said county court of Marshall county, made and had at sundry times between the first day of September, 1874, and the present date; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said N. Durnull, judge of said county court of Marshall county, be, and he is hereby, authorized and empowered to sign all of said orders and proceedings on or before the first day of June, 1878; and said orders and proceedings, when so signed, shall be as valid and legal as if they had been signed when said orders were made or said proceedings had.

§ 2. This act shall be in force from its passage.

Approved January 29, 1878.

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CHAPTER 93.

AN ACT to change the time of holding the Greenup quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the time for holding the quarterly court for and in Greenup county shall be as follows: commencing on the fourth Mondays in February, May, August, and November of each year, and continue at each term as many days as may be necessary to complete all the business before said court.

§ 2. This act shall be in force from and after the first day of May, 1878; and all acts or parts of acts in conflict therewith are hereby repealed.

Approved January 29, 1878.

CHAPTER 95.

AN ACT to increase the jurisdiction of the quarterly court of Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the quarterly court of Hancock county shall have original jurisdiction, concurrent with the circuit court of said county, of all civil actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, does not exceed two hundred dollars.

§ 2. This act shall take effect and be in force from its passage.

Approved January 29, 1878.

CHAPTER 96.

AN ACT to permit the county court of Christian to levy an additional ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Whereas the Christian county court of claims, under a special act for said county, have been levying an ad valorem tax of not exceeding ten cents on the one hundred dollars for

ordinary county expenses; and whereas, doubts exist as to whether said special act is still in force. Said Christian county court of claims are authorized and empowered to levy for the year 1878, and for each year thereafter, when laying the county levy, an annual ad valorem tax of not exceeding seven cents on each one hundred dollars' worth of property in said county subject to State taxation.

§ 2. This act is not intended to restrict the power of said court to levy a poll tax as now provided by law.

§ 3. This act to take effect and be in force from and after its passage.

Approved January 29, 1878.

CHAPTER 97.

AN ACT to authorize Charles Lytle to sign all orders in order-books Nos. 1 and 2, of the Robertson county court, made by him and not signed while he was judge thereof.

WHEREAS, Charles Lytle, formerly presiding judge of the Robertson county court, failed to sign various orders in order-books Nos. 1 and 2 of said court before he went out of office; and, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for said Chas. Lytle to officially sign all orders in said order-books Nos. 1 and 2 not signed by him while judge of said Robertson county court; and when said orders shall be signed by said Charles Lytle, they shall have the same legal effect for every and all purposes that they would have had if they had been signed by him when they were made.

§ 2. That said Charles Lytle shall have thirty days after the passage of this act within which to sign said orders.

§ 3. This act shall take effect from and after its passage.

Approved January 29, 1878.

CHAPTER 98.

AN ACT to establish an additional justices' district in the county of Daviess.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purpose of establishing an additional justices' district in the county of Daviess, all that portion of the territory of said county included in what is known as the Sorghotown voting precinct, and bounded as follows: beginning at the mouth of the Willow pond, on Panther creek, running thence north with Collen Tharp's east line, same course continued to Riley's east line; thence with said line to Jo. Corlin's west line, following same to the Henderson road; thence with John Corlin's west line to his northwest corner; thence on a straight line to the old Pank's farm, on the Roost road; thence with a line of district No. 9, known as Oakford, to Green river; thence up Green river to the line of district No. 7 (Curdsville); thence with said line to Panther creek, and up said creek, with its meanderings, to the beginning, be, and the same is hereby, declared a justices' district, No. 11, in and for said county.

§ 2. That said justices' district shall be entitled to elect two justices of the peace; and the election for said justices shall be held at the usual voting place in said Sorghotown voting precinct, at an election on the first Monday in August, 1878, whose terms of office shall expire at the same time other justices' terms shall expire in and for said county; and said officers shall be re-elected thereafter as now provided by law.

§ 3. The time and places of holding courts in said justices' district No. 11 shall be regulated as now provided by law, and said justices shall have like jurisdiction and power as other justices of the peace in said county.

§ 4. This act shall repeal all laws in conflict with it, and take effect from and after its passage.

Approved January 30, 1878.

CHAPTER 99.

AN ACT to incorporate the society of the "Sons and Daughters of the Morning," of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Murphrey, Jas. A. Sammons, John Evans, D. W. Parker, and their associates and successors, be, and they are hereby, constituted a body-politic and corporate, by the name and style of the Sons and Daughters of the Morning, in the city of Louisville and Jefferson county; and by that name shall have perpetual succession; and are empowered to receive, by gift, grant, purchase or devise, such real estate or personal property as may be necessary or convenient for the proper enjoyment of their corporate rights as a benevolent society, not exceeding twenty thousand dollars in value, and to sell, exchange, transfer, and assign the same at pleasure; and to form and adopt a constitution and by-laws for the government of the society, and to alter or amend the same as they shall therein provide, not inconsistent with the Constitution and laws of this State and of the United States. Said society may sue and be sued in its corporate name. In suits against the society, service of process upon the president, or, in his absence, on the secretary or treasurer, shall be sufficient.

Corporators.

Name and style.

Corporate powers.

§ 2. Said society shall have a president, secretary, and treasurer, and such other officers as they may think fit to elect or appoint; all of whom shall be chosen as directed by the constitution and by-laws, and for such term, and with such duties and obligation as the same may direct.

Officers—when and how elected.

§ 3. Qualifications for membership shall be such as may be prescribed by the constitution and by-laws. The funds arising from initiation fees, stated dues, fines, assessments, or from other sources, after paying the current expenses of operating the society, providing for the payment of outstanding debts, and providing for the accumulation of a fund for building and establishing a hospital or home for the sick, the aged, widows and orphans, shall be applied to the mutual aiding and assisting of the members and their families when in sickness, trouble, distress, or in relieving the dependent families of deceased members, and burying the dead, and to such other charitable purposes as are usually held in view by similar benevolent associations in this country. Member-

Qualifications for membership.

Objects of corporation.

ship shall be open to both men and women, married and single; and married women holding and executing any office in the society, shall exercise therein the power of unmarried women, and the society shall be bound by their lawful acts in pursuance of the office to which they may be chosen.

§ 4. This act shall take effect from its passage.

Approved January 30, 1878.

CHAPTER 101.

AN ACT to incorporate Hamilton College, in the city of Lexington, Kentucky.

WHEREAS, In the year eighteen hundred and sixty-nine, J. M. Hocker erected in the city of Lexington the large and commodious building known as Hocker College, in order to promote the higher education of females; and whereas, the said J. M. Hocker has sold the said college, with its grounds, buildings, and furniture, to a joint stock company, who are to conduct and control the same in the interest of the religious people in Kentucky, known as the Disciples of Christ or Christians, and in the manner hereinafter provided; and whereas, said joint stock company have changed the name of said college to Hamilton College; therefore, in furtherance of the purpose above mentioned,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That William Hamilton, Levi Prewitt, Oliver Farra, Robt. Graham, Jno. W. McGarvey, Hamilton A. Headley, Wm. O. Sweeney, James A. Farra, B. Franklin Farra, Edward S. Jouett, Evan T. Warner, George W. Givens, Robert C. Estill, Leo L. Lewis, and William Mitchell, and their successors in office, are hereby constituted a body-politic and corporate,
Name and style. under the style and title of the Trustees of Hamilton College, with full power to hold and transfer property, real and personal; to sue and be sued, to plead and be impleaded, in their corporate capacity; to make, have, and use a common seal, and to alter, break, or change the same at their pleasure.

Capital stock. § 2. The capital stock of said corporation shall never be less than fifty thousand dollars, divided into shares of fifty dollars each, nor more than two hundred thousand dollars; nor shall any stockholder be liable for any sum greater than the amount of his stock.

§ 3. The board of trustees shall consist of fifteen members, each of whom shall be a stockholder in the company, and a member in good standing of some congregation of the Christian Church in Kentucky. Five of said members shall constitute a quorum for the transaction of business at all regular meetings of the board; but not less than a majority of the whole board shall constitute a quorum at any called meeting.

Trustees must be stockholders.

§ 4. The trustees shall be elected annually on the first Wednesday in May; and at each election the trustees in office shall appoint two stockholders, not of their own number, as judges of said election, and a suitable person, not of their own number, as clerk of said election. Said clerk shall keep a careful and faithful record of the election, which shall be certified by himself and the judges to the secretary of the board, who shall promptly notify those who are elected. Notice of said election, signed by the secretary of the board, shall be published weekly for at least one month, previous to the day of holding the same, in one or more of the newspapers published in the city of Lexington.

Trustees — when and how elected.

§ 5. All vacancies occurring in the board of trustees by death, removal from the State, resignation, or otherwise, may be filled by said board till an election shall be held by the stockholders, and in all cases the officers of the institution shall continue in office until their successors are elected and qualified.

Vacancies — how filled.

§ 6. Each share of fifty dollars shall entitle the holder thereof to one vote on all questions subject to determination by the stockholders, which vote may be cast either in person or by a proxy, who shall also be a stockholder; but no person shall be entitled to cast the votes on more than two hundred and fifty shares of the stock.

Each share entitled to one vote.

§ 7. The board of trustees shall elect their own chairman and secretary, and shall also elect a treasurer, who shall be a stockholder in the company, but not a member of the board of trustees.

Officers.

§ 8. The treasurer shall have charge of all the funds belonging to the company, but he shall pay out none except on an order from the board, or from a committee authorized by them to issue such order. He shall give bond for the faithful discharge of his duties, with surety, to be approved by the board. He shall make an annual report to the board of the

Duties of treasurer.

affairs of his office; and at the expiration of his term of office he shall promptly deliver to his successor all the money, notes, bonds, and other valuables, and all the books pertaining to his office. His book shall be at all times open to inspection by any stockholder of the corporation.

Certificates of
stock.

§ 9. Certificates of stock, signed by the chairman of the board and by the treasurer, shall be issued to all subscribers who shall have paid in full their subscriptions; and the stock may be transferred on the books of the institution only by the holder or his attorney.

Powers of board
of trustees.

§ 10. The board of trustees shall have power to make and establish such by-laws for their own government as they shall deem proper, not inconsistent with this act, nor with the Constitution and laws of the United States or of the State of Kentucky. They shall also have power to make such contracts with teachers and others for the practical operation of the college as they shall deem promotive of the interests of the corporation, and of the purpose of the college.

Trustees may
grant diplomas.

§ 11. The trustees, on the recommendation of the president and of the other teachers of the college, shall have power to grant such literary degrees and honors as are usually granted by similar colleges in the United States, and to give suitable diplomas, under the seal of the corporation, signed by the faculty of the college, and by the chairman and secretary of the board of trustees.

Duties of sec-
retary.

§ 12. The secretary of the board of trustees shall keep a true and faithful record of all the proceedings of the board in a good and substantial book, which record shall be signed by the chairman and the secretary, and shall be at all times open to the inspection of any stockholder of the corporation.

§ 13. This act shall be in force from and after its passage.

Approved January 30, 1878.

CHAPTER 103.

AN ACT to authorize the city of Henderson to issue bonds and fund her present indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Authority to
issue bonds.

§ 1. That the common council of the city of Henderson are authorized and empowered to provide by ordinance for the issue of, and to issue the bonds of said city to any amount,

not exceeding in the aggregate the sum of five hundred thousand dollars. Said bonds, or their proceeds, are to be used exclusively, and for no other purpose, than to pay off and fund the present outstanding bonds and bonded indebtedness of said city.

§ 2. Said bonds shall be of the denomination of five hundred dollars each; they shall be numbered serially, as they are issued, commencing with the number one; they shall be made payable thirty years after their date, with the option upon the part of said city to pay them at any time after five years from their date, bearing interest from date, at any rate not exceeding six per cent. per annum, payable semi-annually; the interest as it matures, and the principal when due, to be made payable at such place as said common council may cause to be designated in said bonds. Interest coupons shall be attached for each semi-annual installment of interest, the coupons of each bond to be numbered serially, from one to sixty, inclusive, and each coupon to bear the serial number of the bond to which it is attached. Each of said bonds shall be signed by the mayor of said city and countersigned by the council clerk, and shall have the seal of the city affixed thereto. Each of said interest coupons shall be signed by the council clerk. Said bonds and coupons shall be made payable to bearer, shall pass by delivery, and when issued and disposed of, as hereinafter provided for, shall have the force and effect, and be placed upon the same footing, as bills of exchange.

Denomination of bonds.

§ 3. Said bonds, when prepared, or portions of them, from time to time, may be placed by the common council in the possession of the board of commissioners of the sinking fund of the city of Henderson, and said board shall have the right to dispose of them, or any part of them, at not less than their par value, and, with the proceeds, to pay off and redeem any of the present outstanding bonds of said city, upon such terms as the said board may determine, or they may exchange any of said bonds, at not less than their par value, for any of the present outstanding bonds of said city, upon such terms as said board may determine; but in no event shall a greater amount be paid or allowed in exchange for any of the present outstanding bonds of said city than their par value, unless four of the five members of said board concur therein.

Bonds—how to be disposed of.

May levy tax to
pay interest on
bonds.

§ 4. For the payment of the interest of said bonds as it accrues, and the principal when it matures, the revenues, resources, and corporate property of said city are pledged; and to this end, it is further enacted that the said common council shall annually cause to be levied and collected a tax sufficient to pay the current interest of said bonds, and the cost of collecting said tax, upon all the real estate and personal property in said city subject to taxation under the revenue laws of this State, including the amount owned by residents of said city which is taxed by the State under the equalization law: *Provided*, That estate listed under the equalization law shall only be taxed for such part of the bonds issued under this act as may be used in paying or taking up the bonds of said city heretofore issued in payment for stock in the Evansville, Henderson, and Nashville Railroad Company. The tax levied under this act shall be paid by the collecting officer to the treasurer of the board of sinking fund commissioners, and his receipt taken therefor, and the said treasurer shall hold and use the same exclusively for the payment of the interest on the bonds herein authorized to be issued.

Duties of board
of commissioners

§ 5. The said board of commissioners shall report quarterly, and oftener if required, to the common council the number and amount of bonds disposed of by them, and the number, amount, and character of outstanding bonds paid or taken in exchange; and they shall deliver to said common council the bonds so paid or taken in exchange by them, and the same shall be canceled and destroyed. The common council shall cause to be kept an accurate record of all said matters, so that it may at all times appear what number and amount of bonds have been issued under this act, and what number, amount, and character of bonds have been paid or taken in exchange and canceled.

Penalty for mis-
appropriation of
bonds.

§ 6. Any person who shall use or appropriate, or be a party to the use or appropriation, of any of the bonds herein mentioned, otherwise than in the manner and for the purpose herein authorized and directed, shall be deemed guilty of embezzlement; and, upon conviction, shall be punished as provided by statute in cases of embezzlement.

§ 7. This act shall be in force from and after its passage.

Approved January 30, 1878.

CHAPTER 104.

AN ACT authorizing the county of Carter, and those parts of the counties of Boyd and Elliott taken from Carter county, to compromise and settle with the holders of the bonds and coupons of interest executed by Carter county in its subscription to the capital stock of the Lexington and Big Sandy Railroad Company, and to levy and collect a tax for that purpose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That power and authority is hereby given to the county of Carter, and those parts of the counties of Boyd and Elliott taken from Carter county, to compromise and settle with the holders of the bonds and coupons of interest executed by Carter county in its subscription to the capital stock of the Lexington and Big Sandy Railroad Company. Said compromise and settlement shall be made by the Carter county court, composed of the county judge and a majority of the justices of the peace in commission of Carter county, for and on behalf of the county of Carter, and those parts of the counties of Boyd and Elliott taken from Carter county. Said court may make said compromise through a commissioner appointed for that purpose; but before the same shall become binding on the county of Carter, it shall be approved by the Carter county court, constituted as county levy courts are required by law to be constituted. Said court may execute to the holders of said bonds and coupons of interest, severally, the obligations of said county of Carter, and those parts of the counties of Boyd and Elliott taken from Carter county in their formation, which shall be signed by the county judge of Carter county, and attested by the clerk of said court. Said obligations shall contain such stipulations as to interest as may be agreed upon by the court and holders of said bonds and coupons of interest, or either of them, but not at a greater rate than six per centum per annum, payable semi-annually. Said obligations shall be due and payable at such times, and be for such amounts, as may be agreed upon by the court and holder or holders of said bonds and coupons.

§ 2. That the county court of Carter county, composed of the presiding judge and a majority of the justices of the peace in commission, may, at the regular June term, 1878, of said court, levy an ad valorem tax on the taxable property of said county of Carter, and those parts of the counties of Boyd and Elliott taken from Carter county, according to the

assessment lists as shall be reported by the assessor of Carter county for the year 1878, whose duty it shall be to annually assess and take a list of the taxable property in those parts of Boyd and Elliott counties taken from Carter county in the formation of said counties, which lists shall be taken in the same manner, and be returned to the clerk's office of the Carter county court at the same time, he is now required by law to return the assessment book of Carter county. Said levy shall be laid by said court in such an amount as it may deem proper, and that may be necessary to meet the obligations and interest given in said compromise and settlement, and expenses of collection.

§ 3. The county court of Carter county, at its regular court of claims each year, commencing at its January term, 1879, may make a similar levy, until there shall be raised a sum sufficient to fully pay off and discharge the obligations given in any compromise that may be made, and the interest thereon, and the costs and expenses of collection. Said court may, from time to time, make such orders applying said funds thus levied to the discharge of said obligations and interest; and the sheriff or other officer who shall collect said taxes shall be bound by said orders, and he and his sureties shall be liable, on the bond executed by them as hereinafter required, to the person or persons entitled to receive said funds on the orders of said court.

§ 4. The county court of Carter county may appoint a collector of said taxes authorized to be levied by this act. Said appointment shall be made each year at the same term that said taxes may be levied, and said collector shall have the same powers to collect said taxes in Carter county, and those parts of Boyd and Elliott counties taken from Carter county, as sheriffs now have by law in collection of State revenue; he shall receive the same compensation, and the laws now in force in this State in relation to the State revenue shall govern said collector in the collection of said taxes; he shall execute, in the county court of Carter county, at the time of his appointment, a bond, with good, solvent, personal securities, worth, in property in this State subject to execution, over and above their just debts, double the amount to be raised by the levy of said taxes for the year for which he may be appointed; said bond shall be executed to the Commonwealth of Kentucky, and shall be, in form, substantially

as follows, viz: We, A. B., collector of the taxes laid by the Carter county court, at its — term, 18—, for the year, 18—, for the county of Carter, and those parts of the counties of Boyd and Elliott taken from Carter county, to meet the obligations and interest executed to the holders of the bonds and coupons of interest executed by Carter county in discharge of its subscription to the capital stock of the Lexington and Big Sandy Railroad Company, principal, and C. D. and E. F., his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky, that the said A. B., as such collector, shall well and truly collect, account for, and pay over to the person or persons authorized to receive the same, under and by virtue of the orders of the Carter county court, the taxes levied by said court at its — term, 18—, for the year 18—, to pay the obligations and interest thereon given to the holders of the bonds and coupons of interest given by Carter county, in its subscription to the capital stock of the Lexington and Big Sandy Railroad Company, and that he shall, when called upon by the Carter county court, settle his accounts, and shall pay over the amount found due by him to the person or persons entitled to receive the same, by the orders of said court; and that the said A. B. shall, in all things, well and truly demean himself, and perform the duties of collector of the taxes aforesaid for said year 18—. Witness our hands this — day of —, 18—. Said court may appoint the sheriff of Carter county, or one of its own members, collector of said taxes, but said appointment shall be made annually. On the failure of said collector to pay over the moneys collected by him, he and his sureties shall be liable on his official bond for the amount collected by him, or which he might have collected, and ten per centum damages thereon, to be recovered by the person or persons to whom the same shall be payable, on the orders of the Carter county court.

§ 5. This act shall take effect and be in force from and after its passage; but nothing in this act shall be so construed as to effect or make more valid the bonds and coupons of interest given by Carter county in its subscription to the capital stock of the Lexington and Big Sandy Railroad Company than they were before the passage of this act.

Approved January 30, 1878.

LAWS OF KENTUCKY.

CHAPTER 106.

AN ACT to amend an act, entitled "An act to incorporate the State Grange of the Patrons of Husbandry of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of an act, entitled "An act to incorporate the State Grange of the Patrons of Husbandry of Kentucky," approved March 1st, 1876, be stricken out, and the following inserted in lieu thereof: This corporation shall have power to move the secretary's office to any point within the State that it may desire.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act to be in force from and after its passage.

Approved January 30, 1878.

CHAPTER 109.

AN ACT to repeal an act approved March 15, 1876, entitled "An act to provide for the levy and collection of a tax on dogs, and protect the owners thereof in Fayette and other named counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to provide for the levy of a tax on dogs, and protect the rights of the owners thereof in Fayette and other named counties," approved March 15th, 1876, be, and the same is hereby, repealed.

§ 2. This act shall take effect from the date of its passage.

Approved January 31, 1878.

CHAPTER 111.

AN ACT for the benefit of James D. Christian, late sheriff of Todd county.

WHEREAS, James D. Christian, late sheriff of Todd county, failed to pay the amount of revenue due from said county, for the year 1874, at the time required by law, and judgment was rendered against him in the Franklin circuit court for the sum of four hundred and thirty-nine dollars and twenty cents, said amount being the balance of the revenue due from said county; and whereas, James D. Christian has paid all of said judgment except eighty-eight dollars and sixty-nine

cents, being the interest and cost on the aforesaid judgment, and did not return a delinquent during his term of office as sheriff of Todd county; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James D. Christian is, and shall be, released from the payment of seventy-two dollars and forty-seven cents of the judgment now existing against him in the Franklin circuit court, and upon which judgment execution has been issued.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1878.

CHAPTER 112.

AN ACT to amend an act, entitled "An act to amend the several acts incorporating the town of Williamstown, in Grant county," approved March 9, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fifth section of an act, entitled "An act to amend the several acts incorporating the town of Williamstown, in Grant county," approved March 9th, 1868, be, and the same is hereby, so amended as to authorize and empower the board of trustees of said town to grant or withhold, as they may think best, license to retail within said town spirituous, vinous, or malt liquors, ale or beer: *Provided, however,* That no license to retail said liquors, ale or beer, shall take effect until the applicant therefor shall have paid to the county court clerk the State tax imposed by law upon such license; and said board of trustees are authorized and empowered to impose upon the venders of such liquors within said town a tax in any sum upon each license they may grant, for the purpose aforesaid, not less than two hundred and not exceeding five hundred dollars per annum.

§ 2. That said board of trustees shall have power to levy, assess, and collect taxes on the value of all estate, real, personal, and mixed, and chose in action held, owned, possessed, used, or employed in said town, or on such classes of the same as they may designate; but such taxation shall be uniform on each description of property aforesaid, and shall not exceed

twenty-five (25) cents on each one hundred dollars in any one year; but no tax shall be levied or collected on the chose in action, notes, bonds, bills, or money of any one, except upon the excess of the sum of any one over and above his or her just debts and liabilities on the day of appraisalment.

§ 3. That should a vacancy occur in the office of chairman, or in the board of trustees, or in any office within said town, the board of trustees shall have power to fill the vacancy by appointment until the next regular election.

§ 4. If, for any cause, the election to fill the several offices of chairman of the board of trustees and trustees of said town shall not be held at the time fixed by law, the county court for Grant county shall, at some regular term of said court, appoint a chairman of the board of trustees and five trustees, to act until the next regular election, who shall take the same oath of office, and have the same powers and authority, that they would have had if they had been regularly elected as required by the charter of said town.

§ 5. That section eleven (11) of said act, approved March 9th, 1868, be, and the same is hereby, repealed, and the office of police judge for said town is hereby abolished.

§ 6. That all the rights, powers, duties, and authority heretofore conferred upon the police judge of said town are hereby conferred upon the chairman of the board of trustees of said town, who shall receive the same fees allowed by law for his services.

§ 7. That the chairman of the board of trustees of said town shall have jurisdiction in all civil actions at law or in equity, concurrent with justices of the peace within the Williamstown magisterial district, from whose judgments in said actions either party shall have the right to appeal in the same manner that appeals are taken from judgments of the justices of the peace.

§ 8. That the marshal of said town in all civil, criminal, and penal actions shall have and exercise the same powers and may discharge the same duties which are by law conferred upon constables of this Commonwealth, and shall receive for his services the same fees and emoluments allowed constables for similar services, which may be increased or diminished, as the board of trustees may think best.

§ 9. That the board of trustees shall have power to increase or diminish the fees of the chairman of the board of trustees whenever they may think best.

§ 10. That so much of section six of said act as authorizes persons who own real estate in said town to vote at elections of officers for said town, although they may not reside within the limits of said town, is hereby repealed; and hereafter no one but a free male citizen of the United States, twenty-one years of age and over, and who has had a bona fide residence within said town for not less than six months next preceding any election for any office of said town, shall be entitled to a vote at such election.

§ 11. That the said board of trustees shall have power to suppress by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous liquors, wines, beers, ales, all riots, routs, breaches of the peace, assaults, batteries, disorderly or indecent conduct, vagrancy, disturbance of religious worship, disturbance of the peace and tranquility of the town, and all unlawful gaming in said town. They shall have full power and authority, by suitable penalties, to prohibit hogs and other animals from running at large in the streets or alleys of said town, and to require and compel the abatement and removal of all nuisances in said town; and they shall have full power and authority to pass any and all by-laws and ordinances that they may deem right and proper, not inconsistent with the Constitution of this State or of the United States.

§ 12. This act shall take effect from and after its passage.

Approved January 31, 1878.

CHAPTER 113.

AN ACT to amend section 2 of an act, entitled "An act to amend an act incorporating the town of Woodville, in the counties of Ballard and McCracken," approved March 5, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of the amended act incorporating the town of Woodville, in the counties of Ballard and McCracken, approved March 5, 1868, be, and the same is, so amended as to read, after the words police judge, in said

section: He shall have original concurrent jurisdiction in all civil, criminal, and penal cases co-extensive with the justices of the peace of the Bryan district, of McCracken county. He shall have exclusive jurisdiction of all offenses against the by-laws and ordinances of the said town. He shall have the power to issue *capias pro fines* on all judgments for fines and costs, and issue commitments in the same manner as justices of the peace now have. He shall have the power to issue all provisional remedies that justices of the peace now have in said district. He shall have power to administer oath, and certify the same in all cases where an oath is provided for or required by law. He shall hold his civil court on the second Wednesday in March, June, September, and December of each year, and he shall hold his criminal court as required by law governing justices of the peace. He shall issue his process in the name of the Commonwealth of Kentucky as other warrants, and make them returnable before him as police judge. The same may be directed to the town marshal or any constable of McCracken or Ballard county, and shall be executed and returned under the same penalties as processes from a justice of the peace. He shall have the same power to compel the attendance of witnesses, and may fine or imprison persons for contempt, in the same manner as justices of the peace now have. He shall have the same fees as now prescribed by law for the services of justices of the peace. He shall keep a true and just record of all proceedings before him as police judge, in a book kept for that purpose by him, certified copies of which shall be received as evidence in all other courts of this Commonwealth; and all acts or parts of acts in conflict with this amended act be, and the same are, repealed.

Approved February 1, 1878.

CHAPTER 115.

AN ACT to amend an act, entitled "An act to amend an act giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years, to build a school-house therein, &c."

WHEREAS, It is represented to this General Assembly, by the board of trustees of the town of Catlettsburg, that, by inadvertence, it had failed to make the levy authorized by the first and fifteenth sections of the act to which this is an

amendment, and that by reason of said failure the funds necessary to pay the interest accrued upon the bonds issued under the fourteenth section of said act, and to pay other indebtedness arising under the provisions of said act, have not been provided for; and whereas, it is further represented that the collector of the board aforesaid did, in the year 1876, collect the tax of some of the inhabitants of the said school district created by said act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Catlettsburg be, and they are hereby, empowered to assess and collect, for the year 1876, from the inhabitants subject to taxation under the act to which this is an amendment, the tax therein authorized to be levied and collected.

§ 2. That the tax collected from the tax-payers of said district by the collector, for the purposes enumerated in the said act of which this is an amendment, for the year 1876, be, and the same is hereby, declared legal and binding.

§ 3. The collector of tax for said district shall not, under the assessment authorized in the first section of this act, collect any tax from those persons who have already paid their tax in said district for the year 1876: *Provided*, That the act herein shall not apply to persons who were not subject to taxation in the year 1876.

§ 4. This act shall take effect from and after its passage.

Approved February 1, 1878.

CHAPTER 116.

AN ACT providing for a road law in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the April term, 1879, of the Gallatin court of claims, consisting of the judge of the county court and the justices of the peace of said county, or a majority thereof, said court shall meet and divide each of the civil districts or election precincts into four road districts, each of which said road districts shall contain, as near as may be without measurement, the same number of miles of road, and also the same number of male inhabitants from the ages of twenty-one

Road districts—
how formed.

years to fifty years, inclusive, and define the boundaries of said road districts, and have the same fully set out on the order-book of the Gallatin county court.

Court may levy
a tax.

§ 2. That said court shall make an order levying a tax of five cents on the one hundred dollars' worth of property listed for taxation by the assessor of said county; and said court shall make an order levying an annual tax of two dollars on each male inhabitant between the ages of twenty-one and fifty, inclusive, as aforesaid; and the said assessor shall make and rule a separate column in the blank lists for assessing property; and in said blank list the property and polls herein specified shall be listed for taxation by said county assessor at the times and places other property of said county is listed; that after said assessments are made, the clerk of the county court shall copy the same, and deliver said copy to the sheriff of said county.

Sheriff to collect
tax.

§ 3. The sheriff of said county shall receive said copy, and proceed to collect said assessments at the times and places other taxes are by said sheriff collected, and be subject to the same liabilities and responsibilities, on his official bond, as for the collection of other taxes.

Surveyor to be
appointed.

§ 4. Said court shall, at said April term, 1879, and annually thereafter, appoint one surveyor of roads for each road district residing therein, who shall be notified thereof as under the law same are now notified, and who shall be a prudent and discreet person. Said surveyors shall superintend the opening, constructing, and repair of all roads in each of their several respective road districts; and said surveyors shall, between the first day of April and fifteenth day of September of each year, notify such persons who elect to pay the road tax assessed against them, as herein provided, of the times and places they or either of them are wanted to work, giving each of them at least two days' notice of said times and places. Said surveyors, and each of them, shall report, in writing, at the end of each year from the time of his appointment to the county court of said county, or oftener if required by said court, which report shall show the amount received and disbursed, and from what source received, and for what purpose disbursed, the amount of work done on each road, and by whom, and the value thereof; and said surveyors shall each receive as compensation for his services at the rate of one dollar and fifty cents per day for each day he may be

so engaged; and for a willful failure to discharge the duties herein imposed after assuming to act therein under the appointment of the court, said surveyors, or any of them, so willfully and negligently failing to perform said duties, may be fined in any sum not less than five nor more than twenty dollars, and the same to be tried in the court of any justice of the peace for said county on the swearing out of a warrant before said justice by any male inhabitant of said county between the ages of twenty-one and fifty years, as aforesaid.

§ 5. The tax provided for herein may be discharged by work and labor performed, and material furnished, in the construction and repair of any public road in the road district wherein the person so assessed may reside, to be under the direction and management of said surveyor in such district; and for said services such person so assessed and working shall receive a credit on said assessment at the rate of one dollar per day, or two dollars per day for oxen and plow, or two horses and wagon, or either, employed on said road or roads, and for material furnished any sum agreed upon by said surveyor and said person so assessed and furnishing material; and said surveyor shall give to each person so rendering services or material a certificate specifying the amount of labor performed, and the price therefor, or the amount of material furnished, and the value thereof, which said certificate so given by said surveyors may be received by said sheriff in payment or part payment of the taxes so assessed, as herein provided.

Tax may be discharged by work.

§ 6. The sheriff of the county shall, upon the orders of the county court, pay over to the several and each surveyors, as aforesaid, the amount of money collected in the road district for which said surveyor is acting; and each road district or surveyor shall only be entitled to receive the amount of money collected in said district by said sheriff as hereinbefore mentioned.

Sheriff to pay money upon orders of county court.

§ 7. Immediately after the assessment made by the county assessor, as aforesaid, is reported, the clerk of the county court shall make a separate copy of the amount of tax due from each person in the road district, and also the amount due from persons owning property in any district and residing elsewhere, and this copy and statement shall be placed in the hands of said sheriff. Said sheriff shall receive said money and taxes, and pay the same, on the order of the judge

Duties of county clerk.

of the county court, to the several road surveyors in proportion to the amount collected by the sheriff in each road district; and if land lie in one district or in parts of two districts, and the owner resides elsewhere, the tax shall be collected from said man in the district where he resides, and paid to the surveyor of said district, and used by said surveyor in the district where collected, as hereinbefore provided.

Election — when
and how held.

§ 8. The judge of the county court shall have printed and posted up, in three or more conspicuous places in each said election districts, and also one at or near the polls on the day of the election to be held in said county on the first Monday in August, 1878, this entire act; and said judge shall order a poll opened and held at said August election, and require the several judges of said election so to be held to put the vote to each and every voter then and there voting: "Do you vote for or against the road tax?" and the clerks of said several elections shall truly record the vote or votes as given by each voter; and the said votes so taken shall be examined, and the result declared, by the board who, under the law, are now required to count the ballots of elections, and declare the result. If it be found, on count of the aggregate votes thereon in said county, that a majority of said voters did vote in favor of said road tax, then this act shall be in force and effect; otherwise, shall be null and of no effect.

Powers of county
judge.

§ 9. The judge as aforesaid shall have power to change or alter the several road districts when the same becomes necessary, keeping, however, said road districts as near equal in number of miles and persons subject to the tax as aforesaid as may be; and should a county road be a dividing line between two road districts, the court may divide said road in such way as to keep equal portions in each of several districts.

§ 10. That nothing in this act shall be construed to repeal the general road law until the same is adopted as herein provided.

§ 11. This act shall take effect and be in force from its passage.

Approved February 1, 1878.

CHAPTER 117.

AN ACT to amend the charter of the city of Newport in relation to the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of councilmen of the city of Newport, Campbell county, shall, within twenty days from the approval of this act, provide for and direct a general election, in such manner as elections are now provided for in said city, and that the following question shall be put to each voter: "Are you in favor of restoring the school tax to thirty cents on the one hundred dollars' valuation of taxable property?" and if a majority of those voting at said election shall be in favor of restoring the school tax to thirty cents, then the said board of councilmen shall annually assess, levy, and collect, for the support of the common schools, a tax of thirty cents on the one hundred dollars' valuation of taxable property, and shall pay the said tax to the board of education of said city.

§ 2. That the board of education of the city of Newport shall, within thirty days after the passage of this act, appoint a board of examiners, to consist of six members, two of whom shall be appointed for three years, two for two years, and two for one year, and annually thereafter there shall be appointed by said board of education two members for three years. It shall be the duty of the said board of examiners to examine into the competency, qualifications, and necessary attainments of all applicants for a position as superintendent, principal, professor, or teacher in the common schools of Newport; and no person shall be appointed to any such position by the board of education, who has not received a certificate of his competency and qualifications from the said board of examiners.

§ 3. That all sections or parts of sections of the charter of the city of Newport inconsistent with, or contrary to, the provisions of this act, shall be, and the same are hereby, repealed; and this act, subject to the foregoing limitations, shall take effect from and after its passage.

Approved February 1, 1878.

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CHAPTER. 118.

AN ACT in aid of common school district No. 27, Rockcastle county.

WHEREAS, Through mistake, the common school commissioner of Rockcastle county failed, for the school year ending June 30th, 1875, to report eight children of district No. 27, included in the trustee's report to him, and Andrew Denney taught the school in said district on a contract, based upon the trustee's report; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifteen dollars and twenty-eight cents be appropriated to the payment of said Andrew Denney, and the Superintendent is authorized to draw his warrant in favor of said Denney, to be paid out of the interest on the surplus school bond of Rockcastle county, for the school year ending June 30th, 1879.

§ 2. This act shall take effect from its passage.

Approved February 1, 1878.

CHAPTER 119.

AN ACT for the benefit of J. F. Rennick, late sheriff of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. F. Rennick, late sheriff of Hickman county, shall have the further time of two years from the 5th day of February, 1878, in which to collect and distrain for his uncollected fee-bills and unpaid taxes due to him, subject, however, to all the penalties now in force for the issuing and collecting of illegal fee-bills.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 2, 1878.

CHAPTER 120.

AN ACT for the benefit of Thos. G. Poore, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas G. Poore, clerk of the Hickman circuit and common pleas court, as also former clerk of the Hickman county court, shall have the further time of two years from the 5th day of February, 1878, in which to collect and distrain for uncollected fee-bills due him in any of the above positions, subject, however, to all the penalties now in force for the issuing and collecting of illegal fee-bills.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 2, 1878.

CHAPTER 121.

AN ACT for the benefit of the sureties of J. H. Swift, late sheriff of Calloway county.

WHEREAS, J. H. Swift, late sheriff of Calloway county, made default for the revenue of said county for the year 1876 to the amount of six thousand seven hundred and eighty-three dollars and forty cents; and whereas, judgment was rendered at the June term, 1877, of the Franklin circuit court against said Swift and his sureties, D. C. Nutt, W. C. Brown, S. C. Skaggs, T. F. Swift, H. C. Crouse, L. L. Bozzell, J. N. Smith, S. J. Slaughter, S. A. Miller, L. H. Fizer, A. G. Ezell, Simeon Richardson, M. S. Wallis, W. E. Dale, S. N. Wrother, and S. M. Reynolds, for said sum of six thousand seven hundred and eighty-three dollars and forty cents, with ten per cent. interest thereon from April 1st, 1877, and costs therein expended; and whereas, execution issued on the — day of —, 1877, for said amount aforesaid, against said Swift and his said sureties, and same went into the hands of W. B. Keyes, sheriff of Calloway county, and was by him, on the — day of —, 1877, levied on all the personal and real estate of said Swift and his said sureties; and whereas, the estate of said Swift consists, with the exception of a small amount of personalty, of real estate worth about four thousand dollars, if sold on time; and whereas, there would be a great sacrifice of said real estate should it be sold for cash in

hand, as is required to be done under the existing laws, and by said execution; and whereas, said sureties are amply good and solvent and able to pay said judgment and all costs, and the State cannot in anywise suffer thereby; and whereas, said sureties will suffer greatly if said real estate of the said Swift is required to be sold for cash in the present depressed condition of money matters; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Calloway county, W. B. Keyes, be, and is hereby, authorized and directed to re-advertise the real estate of J. H. Swift, late sheriff of Calloway county, on which he has heretofore levied execution No. — in favor of the Commonwealth of Kentucky against said Swift and his sureties, and, after having advertised same as now required by law, sell same on six and twelve months' time, of equal payments, taking sale bonds, with approved security, bearing ten per cent. interest from date until paid, payable to the Commonwealth of Kentucky, retaining lien for payment of purchase-money; and that he return said sale bonds to the office of the Franklin circuit court; and execution may issue on same if not paid at maturity.

§ 2. Before the sale of said real estate is made as above directed, the sureties of said J. H. Swift shall enter of record in the Calloway county court their consent to the sale of said real estate on six and twelve months' time, and their consent and agreement to remain and stand bound on the said Swift's official and revenue bond to the Commonwealth of Kentucky, the same as in law they are now held and bound.

§ 3. This act shall take effect from its passage.

Approved February 4, 1878.

CHAPTER 122.

AN ACT to amend an act, entitled "An act to protect sheep from depredations by dogs, and to authorize the county courts to impose taxes on dogs for county purposes," approved March 20, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to protect sheep from depredations by dogs, and to authorize the county courts to impose taxes on dogs for county purposes," approved March

20, 1876, be amended by striking from the fifth section thereof the word "Hancock," and that said act shall not apply to the county of Hancock.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1878.

CHAPTER 123.

AN ACT to amend an act, entitled "An act to incorporate the Jacksonville and Townsend Turnpike Road," approved February 22, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That where the words "five thousand" appear in the seventh line of section two of said act, it shall be stricken out, and the words "three thousand" substituted.

§ 2. This act shall take effect from its passage.

Approved February 4, 1878.

CHAPTER 124.

AN ACT for the benefit of the creditors of the Allensville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whenever any creditor of the Allensville Turnpike Road Company shall file a petition in equity in the Clark circuit court, or in the Clark court of common pleas, alleging the insolvency of said company, the said court, or either of them, shall have jurisdiction and authority to order and direct a sale of said road, together with all its franchises, if, on trial, it appears that such sale is necessary for the payment of the debts of said company within a reasonable time.

§ 2. The proceedings in such case shall be conducted as now required in the settlement of the estates of insolvent decedents.

§ 3. The purchaser or purchasers, under any sale made by virtue of this act, shall be required to keep and maintain said road, as the said road company is now required to do by its charter, and shall succeed to all the rights and privileges of said company, and be subject to all the penalties appertaining to it, except that the said purchaser or purchasers shall be

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individually responsible for all debts contracted, or liabilities incurred, after the control of the road shall have been surrendered to them.

§ 4. This act shall take effect from its passage.

Approved February 4, 1878.

CHAPTER 125.

AN ACT to amend an act, entitled "An act to incorporate the Parker's Mill, Stonewall, and Connersville Turnpike Company," approved March 15, 1875.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Parker's Mill, Stonewall, and Connersville Turnpike Company may erect a toll-gate on the portion of their road west of the Cincinnati Turnpike, when that portion shall have been completed, and may charge rates of toll as provided by the General Statutes, and are herein invested with all the powers that the General Statutes confer on other turnpike companies as to the collection of toll.

Approved February 4, 1878.

CHAPTER 126.

AN ACT to authorize persons liable to road tax along the line of the Bradford's Landing and Washington Trace Turnpike Road to work out their tax on said turnpike road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the owners of property along the line within one half mile of the Bradford's Landing and Washington Trace Turnpike Road, in Bracken county, be required to work out their road tax each year upon said turnpike road, under the direction of the board of directors of said turnpike road company.

§ 2. That the road commissioner for said county shall each year furnish to the board of directors a list of the persons and property liable to road tax along the line of said turnpike road, and the amount of tax due from each, which amount may be paid in money to the treasurer of the company for its use, or worked out on the road as directed in the

first section of this act. And if any person shall fail or refuse to work out their tax or pay the same, the board of directors of said company may have the same right to coerce the same as now provided by law.

§ 3. This act to take effect from its passage.

Approved February 4, 1878.

CHAPTER 127.

AN ACT to incorporate the Gainesville Academy, in Allen county.

WHEREAS, Sundry citizens of the town of Gainesville, Kentucky, and the vicinity thereof, desirous of establishing a first-class high school, have, for that purpose, united and made arrangements for carrying into successful operation the purpose aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the literary institution heretofore established in the town of Gainesville shall be known as the "Gainesville Academy." Name.

§ 2. That H. Fitzpatrick, Samuel Sears, Samuel Wither-
spoon, C. D. J. Stark, Daniel Stovall, and R. M. Spillman,
heretofore chosen as a board of trustees, shall be, and they
are hereby, constituted a body-politic and corporate, by the
name and style of the trustees of Gainesville Academy. Board of trustees

§ 3. That the board of trustees aforesaid, and their successors in office, shall have a perpetual existence, by the name and style aforesaid; shall have the power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for the said corporation to procure a corporate seal, but may authenticate its acts by the signature and seal of the president, attested by the secretary; and by said corporate name may sue and be sued, plead and be impleaded, in any court of law or equity in this State; shall have power to receive and hold for the benefit of said academy any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, subscription, contract, or purchase, heretofore or hereafter to be had or made, as the board of trustees may deem necessary for the purpose aforesaid, and may sell, lease, rent, or otherwise dispose of the same at pleasure; shall have power to ratify any contracts heretofore Corporate powers.

made by the board of trustees, and to make any contracts or agreements that they may deem in the advancement and interest of said institution; to issue the bonds of said corporation in any amount said board of trustees may deem necessary, and to perform all such acts as the trustees of any similar institution are permitted to do or perform, provided they be not contrary to the laws of this State.

Board to appoint
principal and
officers.

§ 4. That the board of trustees shall have power to select and appoint a principal of said academy, and such professors, teachers, and instructors as may, at any time, be necessary for the instruction of the pupils therein in the arts, sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education; and the said board of trustees, and their successors, shall have power to make such by-laws for the government of their own body, and such rules and regulations for the government and control of the principal, professors, and instructors of the pupils, as they may deem expedient, and alter, amend, or annul the same at will.

To regulate
course of studies.

§ 5. That the board of trustees shall have power to regulate the course of studies, and to confer upon graduates of said academy such diplomas, honors, and degrees, as evidences of scholarship, as are usual in the institutions and colleges of this Commonwealth; the same to be signed by the principal of said academy and the president of the board of trustees; and such diplomas shall have the force and effect of a first-class first grade certificate from the county board of examiners.

Common school
may be taught in
said academy.

§ 6. That the common school of the district in which said academy is located may, at the option of said board of trustees, be taught in said academy, subject to the regulations of said board of trustees and the common school laws; and said board of trustees shall be entitled to receive the common school fund to which said common school district may be entitled; and they shall have exclusive control of the pro rata of the common school fund appertaining to said district; they shall expend the same in paying the teachers or principal for tuition, and shall have all the powers which trustees of common schools now have.

Permanent
officers.

§ 7. That the permanent officers of the board of trustees shall consist of a president, secretary, and treasurer, who shall be selected by the board of trustees from their own number. The board shall prescribe the duties and responsi-

bilities of the officers provided for in this section; and shall require the treasurer to give bond with security, to be approved of by the president of the board, for the proper disposition of all moneys that may come to his hands, and the faithful discharge of the duties of his office.

§ 8. That in the event of a vacancy in said board by resignation, death, or refusal to act, the remaining members of the board shall fill the vacancy by election.

Vacancies—how filled.

§ 9. The present board of trustees shall, as soon after its organization as convenient, divide itself by lot or otherwise, as they may determine, into three classes. The first class shall hold its office until the first Saturday in July, 1879; the second until the first Saturday in July, 1880; and the third until the first Saturday in July, 1881, at which times, and every year thereafter, the white male voters of the common school district in which said academy is located shall hold an election for two trustees, whose term of office shall be three years next ensuing their election; but the board of trustees now in office, or those elected at any such election as aforesaid, shall hold their office until their successors have qualified. But all the persons so elected need not be residents of said common school district.

Term of office.

§ 10. That a majority of said board of trustees shall constitute a quorum to do business; and no act of said board shall be valid or binding unless it receives the sanction of a majority of all the board.

Majority to transact business

§ 11. That said board of trustees shall have full power and exclusive control over said school, and all the property belonging thereto; and said school property shall be exempt from taxation.

Powers of board.

§ 12. This act shall take effect from its passage.

Approved February 4, 1878.

CHAPTER 128.

AN ACT to amend an act, entitled "An act to incorporate the Central Kentucky Coal and Mining Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4 of an act, entitled "An act to incorporate the Central Kentucky Coal and Mining Company,"

which act became a law, without the signature of the Governor, April 5, 1873, be, and the same is hereby, amended by striking out the words "two hundred thousand dollars," and inserting the words "four hundred thousand dollars" in lieu thereof.

§ 2. That this act shall take effect from and after its passage.

Approved February 4, 1878.

CHAPTER 129.

AN ACT to incorporate the St. Joseph's Orphan Asylum, of Campbell county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That Clement Elman, Theodore Borgelt, William Hayman, Joseph Plaggaman, Barney Reichenborg, John Hubig, and Henry Mohlenkamp, their associates and successors, be, and they are hereby, constituted and made a body-politic and corporate, with perpetual succession, under the name of the

Name and style. "Saint Joseph Orphan Asylum, of Campbell county, Kentucky."

Corporate powers. § 2. That said society, in their corporate capacity, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction; and may have a common seal, and renew and alter the same at pleasure.

§ 3. That said corporation shall be capable of receiving, acquiring, and holding, either by gift, grant, devise, purchase, or lease, and by any other legal means, any estate, real, personal, or mixed, and may sell, dispose of, and convey the same.

May make by-laws. § 4. That said corporation shall have power to make and enforce all necessary by-laws and ordinances for the government of said society, and management of the affairs thereof, not incompatible with the laws of the United States nor of the State of Kentucky.

Objects of the society. § 5. The said trustees shall have authority to receive into their custody children whose custodian or guardian may choose to subject them to their care, upon such terms and conditions as may be agreed upon between the party controlling such child or children and said trustees, subject, however,

to all the provisions of section six (6), chapter seventy-four (74), of the General Statutes; but no articles of indenture shall be required to effectuate such contract, nor shall said trustees be compelled to deliver any child or children so submitted to their care and custody (being under the age of twenty-one years) unless the party demanding such child or children shall make fair compensation to said trustees for the time they have cared for such child or children.

§ 6. The property now occupied by the said Saint Joseph's Orphan Asylum, being one hundred and four acres of land and improvements thereon, situated on the Newport and Alexandria Turnpike Road, about five miles from the city of Newport, Kentucky, shall be exempt from taxation of all kinds, so long as the same shall be used for the purposes indicated in this act.

Exempt from
taxation.

§ 7. The funds and property of said society shall be appropriated to no uses and purposes whatever other than the support and education of destitute orphans; and the Legislature shall at all times have power to alter, amend, or repeal this act, not thereby affecting rights acquired therefrom, or the right of property of the individual members thereof.

Funds—how to
be used.

§ 8. This act to take effect from and after its passage.

Approved February 4, 1878.

CHAPTER 130.

AN ACT to incorporate the Bethlehem and Fool Hollow Turnpike Road Company, in Henry county.

WHEREAS, Dudley Hall, David Claxon, Merrill Rankin, Harvey Clubb, and Charles Allen Hall have, by their energy and industry, constructed two miles and one half of turnpike road on and over the main thoroughfare from Bethlehem to Lockport, in Henry county; and inasmuch as the same is being used and worn out by the traveling public without the payment of any tolls, now, in order that they may be able to keep up said road, as well as to enable them to extend the same in the direction of the Kentucky river,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dudley Hall, David Claxon, Merrill Rankin, Harvey Clubb, and Charles Allen Hall, and their successors in office, be, and they are hereby, created a body-politic and cor-

Corporators.

Name and style. incorporate, under the name and style of the Bethlehem and Fool Hollow Turnpike Road Company, with the right to sue and be sued, plead and be impleaded, in all the courts of this Commonwealth.

Capital stock. § 2. That the capital stock of said company shall not be less than one thousand nor more than ten thousand dollars, to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty five dollars each.

Previous acts of company legalized. § 3. That all the acts and doings of said company done in the erection and construction of said two miles and one half of said road, and the management of same up to this time, be, and the same is now, legalized and affirmed.

May erect toll-gate. § 4. That the said company are now authorized and empowered to erect a toll-gate upon said two miles and one half of road already built, and charge, demand, and receive tolls upon same; but, in doing so, they shall be restricted by the statute in regard to tolls—that is to say, they are authorized to charge tolls in proportion as the length of their road is to five miles, so as not to exceed the amount of tolls legally chargeable under the law.

Election — when held. § 5. That said board of directors shall, on the first Saturday in May next, and annually thereafter, elect five stockholders as a board of directors, who shall have the control of said road and its fiscal affairs; and they may elect of their number a president, secretary, and treasurer, which offices shall not be incompatible one with the other. They may, if they choose, require bond and security of their officers.

Rights and privileges conferred. § 6. That said corporation shall have all the rights and privileges conferred upon turnpike roads by general law, and shall be confined and constructed by same; and the private property of the stockholders shall not be liable to debts or demands against the corporation.

Corporators to hold office until their successors elected. § 7. That said corporators, who are now made directors of said road, shall hold said offices until their successors are duly elected and qualified.

§ 8. That this act shall be in force and effect from and after its passage.

Approved February 4, 1878.

CHAPTER 131.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the faithful performance of all work done by authority of the city of Louisville, the contractor therefor shall give bond, with good security or securities, and the said contractor, and his surety or sureties, shall be jointly and severally liable upon said bond for all work and labor done and material furnished upon the work so contracted for, which liability shall exist in favor of any person or persons performing labor or furnishing material, or both, and may be enforced by any one having such claim against the principal and his surety or sureties, or against either of them, in any court having jurisdiction of the amount in controversy: *Provided*, That any person or persons having such claim shall, within thirty days after the labor is performed or material furnished, give to the surety or sureties on said bond notice in writing of the amount of such claim: *And provided further*, That no suit shall be brought against the surety or sureties on said bond after the expiration of six months from the completion of the work.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1878.

CHAPTER 132.

AN ACT to authorize and empower the county court of Laurel county to appoint viewers to view a change in the Wilderness Turnpike Road near London, in Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Laurel county be, and the same is hereby, authorized and empowered to appoint viewers to view a change in the Wilderness Turnpike Road near the town of London, beginning at the branch near the residence of S. H. Kuhn; thence running on the east side of said road and intersecting the said road, as now located, near the mile-post.

§ 2. That said court, in exercising the power of appointing viewers, as provided in this act, and in receiving and decid-

ing upon their report, shall be governed by the provisions of chapter 94 of the General Statutes, so far as the provisions of same shall apply.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 4, 1878.

CHAPTER 133.

AN ACT authorizing the Owen county court to levy a tax and issue bonds for turnpike purposes.

WHEREAS, A majority of the justices in commission of Owen county, heretofore, to-wit, at the October term, 1877, of the Owen county court, while sitting as a court of claims, having taken the following amount of stock in the following turnpike roads, viz: twelve hundred dollars to the mile in the Owenton and Stamping Ground Turnpike Road, and seven hundred and fifty dollars to the mile in each of the following turnpike roads, the Monterey and New Columbus Road, the Owenton and Lusby's Mill Road, the Owenton and Monterey Road, and the Newtown and Monterey Road, and having at same time passed an order requesting an enabling act from the General Assembly of Kentucky to authorize the county court to issue bonds and levy a tax for the payment of the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Authority to
issue bonds.

§ 1. That the county judge of Owen county be, and he is hereby, authorized to issue bonds, not to exceed forty-five thousand dollars, for the purpose of paying the stock subscribed by the Owen county court in the following turnpike roads, viz: twelve hundred dollars to the mile in the Owenton and Stamping Ground Turnpike Road, and seven hundred and fifty dollars to the mile in each of the following turnpike roads, the Monterey and New Columbus Road, the Owenton and Lusby's Mill Road, the Owenton and Monterey Road, and the Newtown and Monterey Road.

Bonds—when
redeemable.

§ 2. Said bonds shall bear interest at a rate not greater than eight per cent. per annum, to be paid annually, and they shall run seven years, but may be redeemed at the pleasure of the county court at any time after two years.

§ 3. That said bonds may be issued in such sums as the court may direct, not less than one hundred dollars.

§ 4. The court shall prescribe the form of the bond, and when issued they shall be signed by the county judge, attested by the county clerk, and stamped with the seal of the county court. Form of bond.

§ 5. The court may appoint commissioners to sell said bonds, and direct the price to be taken therefor, and the time, manner, and place where they shall be offered. Court may appoint commissioners to sell bonds.

§ 6. It shall be the duty of said court to provide for the payment of the interest on said bonds, and for their final payment when due. Payment of bonds.

§ 7. To enable the court to comply with this act, it is hereby authorized to levy an ad valorem tax of not exceeding thirty cents on the one hundred dollars' worth of taxable property in said county. May levy an ad valorem tax.

§ 8. That the tax levied under this act shall be collected in the same manner, and under the same liability, that the other county taxes are collected. Tax—how collected.

§ 9. That the county court shall have power to make all orders necessary for carrying into execution the provisions of this act.

§ 10. This act shall take effect from its passage.

Approved February 4, 1878.

CHAPTER 134.

AN ACT to amend an act, entitled "An act to incorporate Winchester, Colbyville, and Lexington Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the sixth section of an act, entitled "An act to incorporate the Winchester, Colbyville, and Lexington Turnpike Road Company," approved February 14th, 1867, as requires the road authorized to be constructed by said company shall not exceed four degrees in steepness, be, and the same is hereby, repealed, and said company is hereby authorized to operate a road with a grade not exceeding four and a half degrees in steepness, provided said road is

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built in other respects in accordance with the provisions of said act.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1878.

CHAPTER 135.

AN ACT for the benefit of Thos. M. Green, of Maysville, Kentucky.

WHEREAS, It appears to this General Assembly that Thos. M. Green, of Maysville, Mason county, Kentucky, has paid to the State taxes upon assessment of his property from and including the year 1861 to and including the year 1874, amounting to one hundred and fourteen dollars and seventy-five cents; said T. M. Green having omitted to deduct his indebtedness from the value of said assessment on which said tax was paid, which, by law, he had the right to do; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said sum of (\$114 75) one hundred and fourteen dollars and seventy-five cents be, and the same is hereby, refunded to said Thos. M. Green; and the Auditor of Public Accounts be, and he is, directed to draw his warrant upon the Treasurer in favor of Thomas M. Green for the sum of one hundred and fourteen dollars and seventy-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved February 6, 1878.

CHAPTER 136.

AN ACT to amend the charter of Bryantsville, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the 3d section of an act approved March the 14th, 1872, entitled "An act to amend the charter of the town of Bryantsville, Kentucky, and further amend an act approved February the 14th, 1871, be, and the same is hereby, re-enacted.

§ 2. *Be it further enacted*, That the police judge of Bryantsville shall have concurrent jurisdiction with the magistrates of Garrard county.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1878.

CHAPTER 138.

AN ACT to amend the charter of the Owingsville and McIntire's Ferry Turnpike Road, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Owingsville and McIntire's Ferry Turnpike Road, in Bath county, may, by purchase or appropriate proceedings to condemn the same, acquire title to necessary rock or gravel quarries, and to not exceeding one acre of land for each toll gate on said road, the gates to be not less than five miles apart, for full gates, or two and a half miles for a half gate; and said road is authorized to erect one gate within one mile of the corporate limits of the town of Owingsville, the rates of toll on said road not to exceed those fixed by the General Statutes.

§ 2. That this act take effect from its passage.

Approved February 6, 1878.

CHAPTER 139.

AN ACT for the benefit of William Dicus, late sheriff of Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William Dicus, late sheriff of Edmonson county, be allowed the further time of two years to collect his fee-bills and unpaid revenue and county levy due him, and that he be allowed to levy upon and sell any property that sheriffs of this Commonwealth are allowed to sell under the now existing statutes for taxes and fee-bills.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1878.

CHAPTER 140.

AN ACT for the benefit of H. A. Duvall.

WHEREAS, It appears that H. A. Duvall paid to the clerk of the Jefferson county court the sum of fifty dollars to obtain a license to keep a coffee-house on the corner of Walnut and Third streets, in the city of Louisville, for one year, ending May the 4th, 1877; and whereas, it appears that, owing to the objections of the residents in the locality where it was proposed to carry on said coffee-house, the said H. A. Duvall did not take out said license, nor carry on said coffee-house; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant in favor of the said H. A. Duvall for fifty dollars, on the Treasurer; and that the Treasurer be, and he is hereby, directed to pay the same out of any money in his hands not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1878.

CHAPTER 141.

AN ACT to authorize Capital Lodge, No. 6, Independent Order of Odd Fellows, at Frankfort, to issue new bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Authority to
issue bonds.

§ 1. That Capital Lodge, No. 6, Independent Order of Odd Fellows, at Frankfort, Kentucky, by her corporate committee, be, and is hereby, authorized to issue bonds to the amount of fifteen thousand dollars or less, for the purpose of aiding said lodge in redeeming and paying off her present bonded debt.

When redeem-
able.

§ 2. Said bonds shall bear either six or eight per cent. interest at the discretion of said corporate committee, payable annually, and shall have ten years to run, but shall be redeemable at the pleasure of said corporate committee after the expiration of one year from the date of each bond.

Denomination of
bonds.

§ 3. Said bonds may be issued in sums not less than twenty-five dollars nor more than five hundred dollars each, in the discretion of the corporate committee.

§ 4. Said corporate committee shall prescribe the form of said bonds, and they shall be signed by said corporate committee, or by a president and secretary, which shall be chosen out of its own body by said committee.

Form.

§ 5. Said corporate committee shall have full power to make all contracts and arrangements for carrying into execution the purposes and provisions of this act; and to that end the president shall have power to call a meeting of the committee at any time.

Powers of corporate committee

§ 6. All the property of said lodge shall be bound for the payment of said bonds.

Property bound for payment of bonds.

§ 7. This act to take effect from its passage.

Approved February 6, 1878.

CHAPTER 142.

AN ACT to incorporate the Second Presbyterian Church of Hopkinsville, in the county of Christian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. B. Alexander, C. L. Dade, and Jas. C. Moore, and their successors in office, are hereby created a body-politic and corporate, by the name and style of the trustees of the Second Presbyterian Church of Hopkinsville, Kentucky, and by that name shall have perpetual succession; may have and use a common seal, and may change the same at discretion; and may contract and be contracted with, sue and be sued, plead and be impleaded; and shall have and exercise all the powers necessary and incident to religious corporations, not inconsistent with the Constitution and laws of this State and of the United States of America.

Corporators.

Name and style.

Corporate powers.

§ 2. That the said persons named shall constitute the trustees of the said particular church until the 10th day of January, 1879, and until their successors are appointed or elected; and in order to provide for the succession in said corporation, on the 10th day of January in each and every year thereafter, the congregation of said church shall elect trustees, who shall hold office for one year and until their successors are elected. Said election shall be held according to the discipline and usage of the said particular church, or in such manner as may by said church be hereafter fixed. Should

Trustees — when and how elected.

the election not occur on the day named, or should the persons at any time elected by the congregation fail or refuse to accept the office, the congregation of the said church may be called together at any time, under the direction of the proper authorities in said church, upon five days' notice given upon the preceding Sunday from the pulpit of said church at public worship, and may elect trustees to serve until the next regular election, and until their successors are elected. If a vacancy occur in the office of any trustee by death, resignation, or removal, the remaining trustees may fill such vacancy. A majority of the trustees shall constitute a quorum to do business; they shall elect from their number a chairman, and the clerk of the session of said church shall be the secretary of the corporation; and they shall at all times keep a record of their proceedings, which shall be open to the inspection of any member of the said church.

Powers of trustees.

§ 3. The trustees shall have full power to take, by gift, purchase, devise, bequest, release, assignment, or otherwise, any real or personal estate or property; and the legal title to any and all property, real or personal, now owned by or held for the use of the said particular church shall vest in the trustees; and they shall hold and control any and all property so as aforesaid received or acquired, and now owned or held as aforesaid for the use and benefit of the said Second Presbyterian Church of Hopkinsville, Kentucky, in connection with the Presbyterian Church in the United States, according to the discipline thereof.

May exchange or sell real estate.

§ 4. The trustees are hereby authorized and empowered, upon the advice and consent of the congregation of said church, given at a meeting of said congregation called as herein above provided, to exchange or sell and convey the church building and lot of ground situated on the east side of Liberty street, between Nashville and Buttermilk streets, in the city of Hopkinsville, which is now owned and held for the use of the said particular church; and also, upon like advice and consent, to exchange or sell and convey any other property, the title to which may be hereafter vested in them for the use and benefit of the said particular church. But the proceeds of the sale of such property shall be held, controlled, and re-invested in other property for the use and benefit of said particular church. The trustees are further authorized and empowered to pledge, mortgage, or encumber

the said church building and lot of ground, or any other property held by them for the use and benefit of the said particular church, for the purpose of securing or of raising money to pay off and discharge any and all debts and liabilities which have been, or shall hereafter be, created or incurred by or on behalf of the said particular church or its trustees.

§ 5. All deeds, contracts, mortgages, pleadings, and every other instrument of writing necessary to be executed by the said corporation, shall, at the instance and by the direction of the trustees, be signed by the chairman, attested by the secretary, and delivered and acknowledged by them; and such instruments, so executed, attested, delivered, and acknowledged, shall be binding upon, and shall pass the title of said corporation, according to the tenor of the instrument.

Deeds and contracts—how to be made.

§ 6. This act shall take effect from and after its passage.

Approved February 6, 1878.

CHAPTER 143.

AN ACT to incorporate the First Presbyterian Church of Hopkinsville, Christian county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edmund A. Starling, James A. Wallace, and Joseph I. Landes, and their successors in office, are hereby created a body-politic and corporate, by the name and style of "The Trustees of the First Presbyterian Church of Hopkinsville, Kentucky;" and by that name shall have perpetual succession; may have and use a common seal, and may change the same at discretion; and may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and exercise all the powers necessary for, and incident to, religious corporations, not inconsistent with the Constitution and laws of this State or of the United States of America.

Corporators.

Name and style.

Corporate powers.

§ 2. That the persons named in the first section of this act shall constitute the trustees of the said particular church until the first Saturday in January, 1880, and until their successors are appointed or elected; and, in order to provide for the succession in said corporation, on the first Saturday in January of each and every year thereafter, the congregation of said church shall elect trustees, who shall hold office for

Trustees — when and how elected.

one year, and until their successors are elected. Said election shall be held according to the discipline and usage of the said particular church, or in such manner as may, by said church, be hereafter fixed. Should the election not occur on the day named, or should the persons at any time elected by the congregation fail or refuse to accept the office, the congregation of the said church may be called together at any time, under the direction of the proper authorities in said church, upon five days' notice, given upon the preceding Sunday from the pulpit of said church, at public worship, and may elect trustees to serve until the next regular election, and until their successors are elected. If a vacancy occur in the office of any trustee by death, resignation, or removal, the remaining trustees may fill such vacancy. A majority of the trustees shall constitute a quorum to do business; they shall elect from their number a chairman, and the clerk of the session of said church shall be the secretary of the corporation; and they shall at all times keep a record of their proceedings, which shall be open to the inspection of any member of said church.

Powers of trustees.

§ 3. The trustees shall have full power to take, by gift, purchase, devise, bequest, release, assignment, or otherwise, any real or personal estate or property; and the legal title to any and all property, real or personal, now owned by or held for the use of the said particular church, shall vest in the trustees, and they shall hold and control any and all property so as aforesaid received or acquired, and now owned or held as aforesaid for the use and benefit of the said First Presbyterian Church of Hopkinsville, Kentucky, in connection with the Presbyterian Church in the United States of America, according to the discipline thereof.

May exchange or sell real estate.

§ 4. The trustees are hereby authorized and empowered, upon the advice and consent of the congregation of said church, given at a meeting of said congregation called as herein above provided, to exchange or sell and convey the house and lot of ground situated on the east side of Main street, between South and Maple streets, in the city of Hopkinsville, which was devised by the will of Susan Preston, deceased, to the trustees of the Hopkinsville Presbyterian Church for the use thereof, which is now owned by and held for the use of the said First Presbyterian Church of Hopkinsville, Kentucky; and also, upon like advice and consent, to exchange or sell and convey any other property, the title to which is now, or

may hereafter be, vested in them for the use and benefit of the said particular church; but the proceeds of the sale of such property shall be held, controlled, and re-invested in other property for the use and benefit of said particular church. The trustees are further authorized and empowered to pledge, mortgage, or encumber any part or all of such property for the purpose of raising or securing money to erect a church building, or to repair the same.

§ 5. All deeds, contracts, agreements, mortgages, pleadings, and every other instrument of writing necessary to be executed by the said corporation, shall, at the instance and by the direction of the trustees, be signed by the chairman, attested by the secretary, and acknowledged and delivered by them; and such instruments so executed, attested, acknowledged, and delivered shall be binding upon, and shall pass the title of said corporation, according to the tenor of the instrument.

Deeds and contracts—how to be made.

§ 6. This act shall take effect from and after its passage.

Approved February 6, 1878.

CHAPTER 144.

AN ACT to protect sheep and dogs in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be annually levied and collected the following tax upon dogs in the county of Kenton, to-wit: one dollar on each male, and two dollars on each female dog owned or kept by any person or persons in said county: *Provided, however,* That each and every bona fide housekeeper with a family shall be entitled to have and keep one male dog free and clear of said tax.

Amount of tax to be levied.

§ 2. It shall be the duty of the assessor of said county to assess all the dogs, male and female, in said county (except those exempt from taxation mentioned in the first section hereof), and report the same to the county court of said county at the same time he is required by law to return the lists of other property; and a list of the same shall be made out by the clerk of said court and delivered to the sheriff of said county at the same time that the lists of other property are delivered to him, whose duty it shall be to collect the

Duty of assessor.

Sheriff to collect tax.

same within the same time and in the same manner as in the collection of taxes imposed on other property, except as hereinafter provided.

Penalty for failure to pay tax.

§ 3. If any person so assessed shall fail or refuse to pay the tax on said dog or dogs, it shall be the duty of the sheriff, or any constable of said county that he may direct, to levy on any such dog or dogs upon which the tax aforesaid has not been paid, and sell the same to the highest bidder (having given ten days' notice of the time and place of sale); and if such amount of tax as is due shall not be bid and paid by the owner or other person, then the officer making the sale shall bid the amount of tax due on said dog or dogs for the county and proceed to kill the same, for which service the officer shall receive the sum of fifty cents for each dog killed, to be paid him by the trustee of the jury fund out of the fund in his hands collected on dogs; and should the officer fail to collect or kill the dog, whose owner has refused or failed to pay the tax, he shall be fined not less than ten or more than twenty dollars, to be recovered in the name of the Commonwealth of Kentucky; and it shall be the duty of the county attorney to prosecute the same, and for which service he shall be paid fifty per cent. of the amount collected.

Assessor to administer oath.

§ 4. It shall be the duty of the assessor of said county, after having taken each list of taxable property, to examine each person, on oath, as to the number of dogs owned by him, or any person under his control or in his employ, and list the same to the proper owner for taxation; and on failure so to do shall forfeit his fee for said list; and it shall be his duty to state, under oath, upon the return of said lists, that he had so examined each person listing, and had listed all dogs in said county so far as he could get information; and if the assessor shall have information of any dogs not listed, it shall be his duty to examine any person, on oath, as to his information touching the ownership of any dog or dogs, and shall list the dogs to the proper owner; and if the dog is not claimed by any person, then the dog shall be listed to the person at whose place he is most frequently found; and any person so testifying who shall make any false statement as to the number of dogs, or to whom belonging, shall be liable to all the penalties and prosecutions for false swearing now prescribed by the laws of this Commonwealth; and any person wrongfully or erroneously listed shall have the same remedy as now pro-

vided by law in case of erroneous taxation of other property; and said assessor shall be entitled to five cents for each list of dog or dogs, to be paid out of the fund collected on dogs.

§ 5. The sheriff or constable shall pay over to the trustee of the jury fund of said county all the tax and net amount of fines collected under the provisions of this act, at the same time and in the same manner he is required to pay the county levy, less five per cent. commission allowed him for collection, and take his receipt for the same; and for a failure to collect and pay over, or either, shall be liable on his official bond, and may be proceeded against, by motion, by any person having an interest in said fund, in any court of competent jurisdiction.

Sheriff to pay tax to trustee of jury fund.

§ 6. The trustee of the jury fund shall be liable upon his official bond for all moneys that shall come into his hands under the provisions of this act, and shall pay the same out under the direction and order of the county judge of said county; he shall be allowed three per cent. for receiving and paying out the same, and shall settle his accounts as often as may be required by said judge.

Liability of trustee of jury fund.

§ 7. If any person in said county having sheep killed or maimed by dogs cannot collect from the owner of the dog or dogs the damage he may have sustained, as now provided by law, he or she shall be paid by the trustee of the jury fund one half of the loss sustained out of the fund held by him under the provisions of this act, he having made satisfactory proof of said loss before said judge, and said judge having ordered said payment; and the balance, after paying all expenses for collecting and disbursing of said fund, shall be applied in lessening the county levy of said county under the order of said judge.

Sheep killed by dogs, how owner to be paid for loss.

§ 8. All orders given by the judge of said county court for and on account of losses sustained under the provisions of this act shall be filed by the trustee of the jury fund with his settlement, and shall be due and payable in January, 1880, and annually thereafter: *Provided*, If there should not be a sufficient fund to pay all the claimants, then each shall be paid his pro rata share for that year.

§ 9. The county judge and justices of the peace outside the city of Covington, at the court of claims for said county, a majority of all in commission being present and concurring therein, may increase or diminish said tax upon dogs.

Tax—how increased or diminished.

§ 10. This act shall take effect and be in force on and after the third Monday in October, 1878, and shall not apply to the city of Covington.

§ 11. That the act, entitled "An act to protect sheep in Kenton county," approved March 7, 1876, be, and the same is hereby, repealed.

Approved February 6, 1878.

CHAPTER 145.

AN ACT to amend an act, entitled "An act to levy and collect tax on dogs in certain counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1st of Session Acts 1876, volume 2d, chapter 760, page 540, be amended by exempting one dog belonging to each bona fide housekeeper from taxation.

§ 2. That section 7 of the same act be amended by striking out that portion causing the money arising from the tax to be used in decreasing the county levy.

§ 3. The money arising from said tax levied upon the dogs shall be applied to paying the owners of sheep killed by dogs, upon affidavit made to the county judge by one or more witnesses.

§ 4. The treasurer shall hold the funds arising from the dog tax until the first of January of each year, at which time the county judge shall order to be paid to each person the sums they may prove under affidavit their sheep to be worth which have been killed by dogs, not exceeding the price of five dollars per head: *Provided*, There is not a sufficient amount in the hands of said treasurer, then the county judge shall pro rate it among those who have proven their claims before him.

§ 5. This act shall only apply to Boone county.

§ 6. This act shall take effect from and after its passage; but shall not be carried into execution until after a majority of the qualified voters voting at the next regular election after its passage shall have voted in favor thereof.

Approved February 6, 1878.

CHAPTER 146.

AN ACT to confirm and legalize the division of the property held for the use of the Hopkinsville Presbyterian Church.

WHEREAS, By contract and agreement, made and entered into on the 10th day of January, 1878, by and on behalf of the two Presbyterian Churches in the city of Hopkinsville, Christian county, Kentucky, one of which is in connection with the Presbyterian Church in the United States, and the other with the Presbyterian Church in the United States of America, the property which is held for the use of the Hopkinsville Presbyterian Church has been divided between the said two particular churches, whereby the former has become and is entitled to the church building and lot of ground belonging to the said Hopkinsville Presbyterian Church, situated on the east side of Liberty street, between Nashville and Buttermilk streets, in said city, and the latter has become and is entitled to the house and lot of ground devised to the trustees of said Hopkinsville Presbyterian Church, and for its use, by the will of Susan Preston, deceased, situated on the east side of Main street, between South and Maple streets, in said city, known as the parsonage of said church; and whereas, under the said contract and agreement, and in order to make said two particular churches equal in said division of property, two notes and obligations have been executed on behalf of the former to pay, for the use and benefit of the latter of said particular churches, the sum of one thousand dollars on the first day of January, 1879, and the further sum of one thousand dollars on the first day of January, 1880; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said contract and agreement, and the said division of property thereunder, be, and the same are hereby, confirmed, legalized, and made binding and effectual, and that the legal title to the said church building and lot shall vest in, and be held by, the trustees of the said particular church, which is in connection with the Presbyterian Church in the United States, for the use and benefit of the said particular church, subject to a lien thereon to secure the payment of the said notes and obligations, as provided in the said contract and agreement, which lien may be enforced by due process of law; and the legal title to the said house and lot of ground,

devised as aforesaid by the will of Susan Preston, deceased, shall vest in, and be held by, the trustees of said particular church, which is in connection with the Presbyterian Church in the United States of America, and for the use and benefit thereof.

§ 2. This act shall take effect from its passage.

Approved February 6, 1878.

CHAPTER 147.

AN ACT to amend an act, entitled "An act to provide and maintain public schools in Cloverport, Breckinridge county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the provisions of an act, entitled "An act to provide and maintain public schools in Cloverport, Breckinridge county," approved February 23, 1876, be so amended as to make it lawful for the court of claims of Breckinridge county to levy the tax provided for in said act upon such and all the personal property that is now, or may be hereafter, assessed for revenue purposes under the laws of this Commonwealth.

§ 2. This act shall take effect and be in force from its passage.

Approved February 6, 1878.

CHAPTER 149.

AN ACT to amend an act, entitled "An act to facilitate the collection of taxes in the city of Paducah," approved February 17, 1873; also to amend an act, entitled "An act to amend the charter of the city of Paducah," approved March 1, 1876, and to reduce the said two acts, as herein amended, into one.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the collectors of the various and sundry taxes laid by the city of Paducah, when the person owing the taxes has no personal property in the city out of which he can collect the taxes, and he has reasonable cause to believe that another person is indebted to him, to proceed by attachment to collect said taxes in his hands, to be collected in the same manner as is provided by statute for the

collection of State taxes and county levy; but the notice in said statutes provided for shall not prevent the payment to the person owing said taxes any wages for services rendered or work done after the service of said notice; and the proceedings on said attachment shall be docketed in the name of the city of Paducah.

§ 2. If there is no personal property out of which the said collector can make the taxes in his hands to collect, and the same are not paid within three months after he receives the tax-books for collection, he may levy on any real estate in the said city belonging to or listed to said delinquent tax-payer, and sell so much thereof for cash as will pay the taxes due, commission, and costs, after advertising, as heretofore provided in the city charter; and it shall be the duty of the mayor of said city to bid therefor the taxes due, commissions, and costs of sale, provided no one else will bid for and purchase the same at the price of said taxes, commissions, and costs of sale; and when said sums are bid on said property, the same shall be struck off to the bidder, unless some one else offers to pay said amounts for a less quantity of land. In all such sales the requirements of the city charter regarding such sales shall be followed, except wherein they conflict with this act. The owner of the real estate so sold, his heirs, representatives, or assigns, shall have the right to redeem the same from the purchaser thereof at any time within two years from the day of sale, by paying to the purchaser said amount bid by him at said sale, with ten per cent. per annum interest thereon from the day of sale: *Provided*, If the owner of said property is a minor, married woman, or of unsound mind, and the same is not redeemed according to the above terms, and within the said two years, by said owner or owners, or some one for them, the purchaser, other than the city of Paducah, may bring his suit in equity in the McCracken circuit, or other court in said county of like jurisdiction, to have so much of said property so purchased sold as may be necessary to pay the said sum so bid at collector's sale, with interest at ten per cent. per annum, and costs of suit, and also for any other taxes appearing to be due and payable on said property at the rendition of judgment in said suit; and plaintiff shall, before any judgment is rendered, give good security to the defendant, to be approved by the court, that he will pay off any and all taxes for which said property is adjudged

to be sold, and produce to court, and file in the cause, proper and legal receipts for such taxes before any deed is made to the property so sold; but no such suit against such persons under disability shall be brought after seven years shall have passed from the day of said sale by the said collector; and any such suit now pending, unless brought within said time, shall abate as to said claim or claims.

§ 3. The collector of said taxes in his hands to collect shall give to the purchaser of any property sold by him for taxes a certificate of purchase, containing a description of the land purchased by him, time of sale and quantity sold, the price at which sold, the amount of taxes sold for, and the year or years such taxes were owing for; and such certificate shall be sufficiently descriptive, if set out with such certainty that said property can be conveniently found from an inspection of Harrington's map of Paducah (it being represented to this General Assembly that said map is correct); and if said property is not properly defined on said map, then the said description of the collector must be otherwise sufficiently descriptive to enable the purchaser to find said property; and all certificates of purchase shall be recorded in a book, to be kept for the purpose, by the common council of said city, amongst the archives of the city as a public record; but the collector's return of any such sales to the mayor, for use of the city, shall be deemed his certificate of such sales and purchase by the city.

§ 4. If any real estate so sold by the said tax collector, and purchased by any one except the mayor of the city as above provided, and except that sold as the property of minors, married women, and persons of unsound mind, is not redeemed within the time provided for herein, it shall be the duty of the collector, or any one of his successors, to convey by deed said land to the purchaser, embodying a true copy of said certificate of sale in his deed.

§ 5. That all levies and sales of real estate heretofore or hereafter made by any collector of taxes assessed by the city of Paducah, shall be regarded as fixing the property liable for said tax: *Provided*, The same was assessed against said property, or against the owner thereof, at the time of the assessment; and any sale of the same made by the collector, and purchased as provided in this act, or the original charter of the city and the acts to which this is an amendment, by

the mayor for the use of the city, provided it was made for taxes against the property sold, or against the owner thereof, shall be sufficient to and shall create a lien on said property for the amount of said taxes, commissions, and costs of sale, with interest at the rate of six per cent. per annum from two years after the date of said sale until paid, and ten per cent. per annum for said two years from the date of sale; and any irregularity in said collector, or his return thereof, shall not vitiate said lien or bar any action in equity, as provided for in this act to enforce the same; but said lien may be enforced by suit in equity against any or all said tax-payers and property-owners, just as any other lien debt, provided the same is just and owing; but any party, person or persons, interested in the event of any such suit, may be permitted to make defense, and prove that the said taxes have been paid in whole or in part, or were illegally assessed, or that the same, or any part thereof, was assessed against and paid by some one else, or that the property described in the suit was not levied on and sold by the collector, or that said suit was not filed in seven years from the day of sale by the collector; and in case any such interested defendant has become the owner of the property, or any part thereof, described in said suit, he, she, or they may plead and show in defense, besides the aforesaid pleas, that there was no public record of said tax, levy, or sale, by which he, she, or they could be informed of the same; but no such suit shall be filed after seven years has elapsed from the date of the collector's sale of the property sought to be sold; and any such suit now pending, and not brought within said time, shall be absolutely dismissed as to said claim so barred. In any such suit, the court may hear proof as to the identity and description of the property sought to be sold, if the same is in any manner controverted in the pleadings.

§ 6. The provisions of this act shall apply to all actions now pending, or that may hereafter be brought for said unpaid taxes.

§ 7. The provisions made in the acts to which this is an amendment, not herein embodied or provided for, are repealed; those sections amended are in full force as herein amended; and all parts of said acts inconsistent with this act are repealed.

§ 8. All acts and parts of acts heretofore passed and in force, inconsistent with this act, are hereby repealed: *Provided*. That nothing in this shall be construed as to revive the collection of any taxes barred by the statute of limitations before this act takes effect.

§ 9. This act shall take effect from its passage.

Approved February 7, 1878.

CHAPTER 150.

AN ACT for the benefit of the tax-payers of Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lyon county is authorized to call an election, to be held at each of the voting places in said county, on a day to be fixed by the order of said court, for the purpose of electing one person in each of the justices' districts of said county, the persons thus elected to be called the "financial board of Lyon county."

§ 2. The clerk of said court shall forthwith, after said order is made, make and deliver a duly certified copy thereof to the sheriff of Lyon county, whose duty it shall be to advertise said election by posting up written or printed notices thereof at each of the voting places in said county at least ten (10) days before said election; and it shall be the duty of said court to defer the time of said election sufficiently long to enable the sheriff to advertise the same as above required.

§ 3. Said election shall be held by the same officers, conducted in the same manner, and governed by the same rules, as other elections held under the laws of this State, so far as compatible with this act.

§ 4. The right of a person to vote in said election shall be tested by the same rules as in other elections held under the laws of this State; and each voter shall have the right to vote for one person residing in each of the justices' or civil districts of Lyon county; but should any voter cast his vote for two or more persons who reside in the same justices' district, that vote shall not be counted so far as those persons are concerned. The same rules shall apply in regard to returning the poll-books of said election, comparing the returns thereof, giving certificates to the persons elected, and in set-

ting contests between two or more persons claiming to have been elected, as apply in elections of justices of the peace, so far as compatible with this act.

§ 5. It shall be the duty of the persons thus elected, within fifteen days after said election, or, in case of a contested election, within fifteen days after the decision of said contest, to appear in the county court of Lyon county and take the several oaths required by the Constitution and laws of this State to be administered to other officers, for which purpose a call term of said court may be held at any time.

§ 6. Should any person thus elected a member of said financial board fail to appear and qualify, as provided in the last section, or should there be a vacancy in said board from any cause, or should any member of said board fail to meet for the transaction of business when notified as required by this act, said court shall have the power to appoint another person as a member of said board in the place of the person thus in default, or to fill said vacancy. The persons thus elected or appointed shall be voters of Lyon county, but may be appointed without regard to the civil district in which they reside.

§ 7. The members of said financial board thus elected or appointed shall continue in office until there is another election, and until the persons then elected, or others appointed in their places, shall qualify.

§ 8. The said county court is authorized to cause other elections to be held for the purposes aforesaid, as often as said court may deem advisable: *Provided*, Said elections shall be conducted in all respects as provided in this act, and shall not be held oftener than once in each year; and it shall be the duty of said court to order an election at any time, subject to the foregoing restrictions and limitations, upon the petition of twenty-five of the voters of Lyon county.

§ 9. Said financial board may meet, at any time after they shall have qualified pursuant to this act, for the transaction of business; and it shall be their duty to meet for the transaction of business when required by said county court, after having received five days' notice of said meeting.

§ 10. Said board shall hold their meetings in the court-house or county court clerk's office of Lyon county. They shall

elect one of their number chairman, who shall preside in all their meetings. The clerk of the Lyon county court shall be *ex officio* clerk of said board. They shall cause said clerk to keep a full and complete record of all their proceedings in a book to be provided by said county court for that purpose, which book shall remain in the custody of said clerk, and a record of his office. The proceedings of each meeting of said board shall be spread at large upon said record-book before the final adjournment thereof; shall be read by said clerk in the presence of said board, and shall be signed by said chairman, and countersigned by said clerk; and an attested copy of said records, or any part thereof, made out by said clerk, shall be received as evidence in like manner as copies of other records of said office.

§ 11. It shall be the duty of said financial board to decide whether a levy should be made by the county court of Lyon county for the purpose of raising a sinking fund to be used in the purchase of the bonds of Lyon county, given to the Elizabethtown and Paducah Railroad Company, before the maturity of said bonds; and similar levies shall be made as often as said board may decide. Upon the question of laying said levy, the decision of the majority of said board shall control; or, in case of a tie, the county judge of Lyon county shall give the casting vote; and upon the question of the amount of said levy, if the members of said board should not agree, each member shall vote separately, and the average of the amounts voted for shall be taken as the amount or rate of said levy.

§ 12. Immediately after a levy shall have been thus decided upon, that fact shall be communicated to the county court of Lyon county by the clerk of said court; and it shall be the duty of said county court forthwith to levy a tax, at the rate fixed by said board, on all the real estate and personal property in Lyon county subject to taxation under the revenue laws of this State, including the amounts owned by residents of Lyon county which ought to be given in under the equalization laws.

§ 13. Upon making said levy, said county court shall cause the sheriff of Lyon county to be notified thereof forthwith, whose duty it shall be to collect said levy; but before he shall be authorized to collect the tax thus levied, he shall execute

bond, with such sureties as may be approved by said county court, conditioned that he will faithfully and promptly collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection. Should said sheriff fail, for more than fifteen days after being notified as aforesaid, to execute said bond, he shall forfeit his office, and the county court shall appoint a collector, who shall execute bond, with such sureties, have all the powers, and be subject to all the duties and liabilities of the sheriff in collecting taxes under this act; and said county shall have a lien from the date he begins to act upon all the real estate of the sheriff or collector then owned or afterwards acquired by him, which shall not be discharged until he has fully accounted for all of said tax; and the obligors in the bond of said sheriff or collector, their devisees, heirs, executors, or administrators, may be made liable, by action or motion, jointly or severally, for a breach of said bond, until the whole amount of liability shall be discharged.

§ 14. Said sheriff or collector shall proceed forthwith, after having executed the bond aforesaid, to collect said tax, which shall then be considered due and payable to the sheriff or collector. And the powers, duties, and liabilities of said sheriff or collector and his sureties, and the rights and duties of the tax-payer and others, with regard to the collection of said tax, shall be governed by the provisions of section 7 and sections 12 to 22, inclusive, of article 8, of chapter 92, entitled "Revenue and Taxation," of the General Statutes; also by the provisions of sections 9, 10, and 11, of article 11, of said chapter; and said sections are hereby adopted as part of this act so far as compatible therewith, except that for the words 'by the first day of November,' in section 14, of article 8, there shall be substituted in this act the words "within three months from the time said taxes are due;" and for the words "to purchase the same for the State," in said section, there shall in this act be substituted the words "to purchase the same for Lyon county;" and for the words "the Commonwealth," in said sections 9 and 11, of article 11, there shall be substituted in this act the words "a party suing pursuant to this act;" and said sections 9, 10, and 11, of said article 11, shall also (as modified above) apply to actions against

the treasurer appointed pursuant to this act, and his sureties, their heirs, devisees, &c.

§ 15. If said sheriff or collector shall fail to collect and pay over the said tax, to the person or persons entitled to receive the same, within the time prescribed by this act, he shall, with his sureties, their devisees, heirs, executors or administrators, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction.

§ 16. Said tax shall be collected upon the assessment last made in the county prior to the laying of said levy. All the real estate situated in Lyon county shall be liable for said tax; and when part only of the land of any tax-payer shall lie in said county, that part shall be subject to said tax; and when said sheriff or collector shall find property, either real or personal, liable for said tax, which has been omitted by the assessor, it shall be his duty to assess the same, and report said assessment to the Lyon county court, and said property shall be listed with him by said court for taxation.

§ 17. Upon the levying of a tax as provided in this act, it shall be the duty of the county court of Lyon county to appoint a treasurer, who shall execute bond, payable to Lyon county, with such security as shall be approved by said court, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer; on which bond suit may be brought, from time to time, by said county, or any person authorized to sue by said county court, in any court having jurisdiction of such suit. Said treasurer shall also take an oath in said county court that he will faithfully perform his duties as such treasurer; and it shall be his duty to pay out and disburse the money received by him upon the order of the said county court.

§ 18. It shall be the duty of the sheriff or collector to pay to said treasurer one third of the tax thus levied within two months, one third thereof within four months, and the remainder thereof within six months from the date of the approval of his bond for the collection thereof; and should he fail to do so, it shall be the duty of said treasurer to proceed against him and his sureties, their devisees, heirs, or personal representatives, by motion as provided in this act.

§ 19. Said sheriff or collector and treasurer may be required to give new bonds; and any surety in the bonds of

those officers shall be entitled to the same remedies for procuring additional or counter-security as are now given to the sureties of guardians, administrators, &c.

§ 20. The money realized from taxes levied and collected under this act shall be used alone for the purchase of the principal of the said bonds given by Lyon county to the Elizabethtown and Paducah Railroad Company, and the costs and expenses incident to the levies and collection thereof; and shall not be appropriated to, or used for, any other purpose by any character of order or proceedings whatever. After a levy shall have been made pursuant to this act, it shall be the duty of said county court to negotiate with the holders of said bonds in regard to the purchase thereof, and shall have the authority to agree with them upon the price they shall receive for their said bonds, and to prescribe rules to govern said treasurer in the purchase thereof, subject to such restrictions as to the amount that may be paid for them as may be fixed by said financial board.

§ 21. Said sheriff or collector and treasurer shall settle their accounts with the Lyon county court as often as required to do so by said court; and said treasurer shall hold his office during the pleasure of said court.

§ 22. The members of said financial board shall each receive three dollars per day, for the time they may be necessarily engaged pursuant to this act, to be paid by the treasurer out of any funds in his hands collected under this act, upon the presentation of their accounts, verified by their affidavits; and other officers and persons rendering services under this act, shall receive such compensation therefor as may be fixed by said board, not less than the amounts now allowed by law for similar services, to be paid in like manner out of said funds in the hands of the treasurer, by order of the county court. The term county court, as used in this act, shall be construed as referring to the court held by the presiding judge of the Lyon county court alone.

§ 23. This act shall take effect from its passage.

Approved February 6, 1878.

LAWS OF KENTUCKY.

CHAPTER 151.

AN ACT for the benefit of the sheriff of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for collecting and paying over the revenue and taxes of Fleming county for the year 1877 be extended to and including August the 1st, 1878; and the sheriff of said county shall have the time until said date to settle with the Auditor of Public Accounts and pay over the revenue and taxes of said county.

§ 2. That said sheriff shall give bond, with approved security, in form and manner as is required of sheriffs before entering upon the duties of their offices, that he will perform his duties under the provisions of the first section of this act, and that he will collect and pay over all taxes and revenue due or to become due from the citizens of Fleming county, to the State of Kentucky or other persons, for the year 1877. The county judge shall take, approve, and have said bond recorded.

§ 3. That all laws in conflict herewith are hereby repealed; but this act shall not affect existing rights of the State or any other persons.

§ 4. This act shall take effect from and after its passage.

Approved February 9, 1878.

CHAPTER 152.

AN ACT to authorize the sale of Big Eagle and Connersville Turnpike Road, in Scott county.

WHEREAS, It is represented that the Big Eagle and Connersville Turnpike Road is indebted for its construction in a sum greater than the tolls thereon will pay, after keeping the road in repair; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How road can
be sold.

§ 1. That the Scott circuit court, or the Scott court of common pleas, shall have power to adjudge a sale of said road, upon petition filed by the directors thereof, alleging that its tolls will not pay off the debts of the road, after keeping the same in repair, and setting out all the debts owing by said road, and the persons to whom they are owing.

§ 2. All the creditors of the road shall be made parties plaintiff or defendant, and the latter shall be summoned as provided in the Civil Code of Practice. Before the judgment shall be entered, proof shall be made to the court, either by depositions or otherwise, establishing the truth of the allegations of the petition.

Creditors to be made parties.

§ 3. That the purchaser of said road shall be entitled to all the rights, privileges, and franchises given to it by its charter, and shall be subject to all the liabilities, restrictions, and limitations imposed by said charter or the laws of the State; and said purchaser shall hold said road free from all indebtedness heretofore existing against said turnpike company.

Purchaser entitled to charter privileges.

§ 4. That the Scott county court, two thirds at least of the justices thereof being present, and a majority of those present concurring therein, be, and they are hereby, authorized to buy said road at said sale; and if they purchase the same, all its rights, privileges, and franchises shall belong to said county, to be managed and controlled by said court.

How county may purchase road.

§ 5. That the proceeds of said sale shall be applied to the payment of the indebtedness of said road; and if there should be any surplus after paying said indebtedness, it shall be divided pro rata among the stockholders according to their respective amounts of stock; and if there should not be enough to pay all the debts, then the proceeds of sale shall be apportioned pro rata among the creditors of the road.

How proceeds of sale to be applied

§ 6. This act shall take effect from its passage.

Approved February 9, 1878.

CHAPTER 153.

AN ACT to amend the charter of the city of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The treasurer of the city of Henderson shall be *ex officio* treasurer of the board of commissioners of the sinking fund of the city of Henderson, and the treasurer of said board shall have the custody of all money and other effects belonging to the sinking fund. Hereafter all taxes levied and collected to pay the principal or interest of any of the bonds issued by the city of Henderson, and all wharfage, tax

Treasurer of city to be treasurer of the board of commissioners of the sinking fund.

for license, and other moneys devoted to the sinking fund, shall be paid by the marshal, or other person paying the same, to the treasurer of the board of commissioners of the sinking fund, and his receipt taken therefor. The said treasurer of the sinking fund shall dispose of said taxes and other moneys as now required by law, and shall perform such other duties as are now required of the treasurer of the city of Henderson in relation to said sinking fund; and shall report to the common council at such times, and in such manner, as may be required by ordinance, the amount received and disbursed by him as treasurer of the sinking fund. The city treasurer of the city of Henderson, and the sureties in his official bond, shall be liable for all moneys and other effects received by him as treasurer of said board of commissioners of the sinking fund, and for the faithful discharge of his duties as such.

Penalty for failure to pay fine.

§ 2. Hereafter any person convicted in the Henderson city court, and failing to pay or replevy his fine, may be confined in the station-house for such length of time as shall not exceed one day for each one dollar of his fine and costs, and, during such confinement may be placed at labor upon any of the public ways or squares of said city for not exceeding eight hours in any one day; and while so at labor he shall be under the control of such person as the common council may designate, and may be securely fastened to a chain and ball of not exceeding fifty pounds in weight.

Stores to be listed and assessed for taxation.

§ 3. Hereafter all stores in the city of Henderson shall be listed and assessed for taxation by the city as of the 10th day of January of each year, including the year 1878, instead of as of the 10th day of April of each year.

§ 4. This act shall be in force from and after its passage.

Approved February 9, 1878.

CHAPTER 154.

AN ACT for the benefit of the sheriff of Metcalfe county, allowing him further time to execute his revenue bond.

WHEREAS, It is represented to the General Assembly that John D. Kinnard, sheriff of Metcalfe county, was prevented from executing bond for the collection of the State revenue due from the citizens of said county for the year 1878, by

reason of a vacancy in the office of county judge in said county from the 11th day of December, 1877, until January 7th, 1878; and whereas, said Kinnard did appear before the judge of said court upon the 7th day of January, 1878, and, together with James H. Kinnard and F. P. Kinnard as his sureties, entered into and acknowledged bond for the collection of said revenue as required by law; but the same not being deemed sufficient by the court, the completion thereof was continued by the court for additional securities; and whereas, thereafter, on the 14th day of January, W. L. Walker and C. C. Kinnard appeared before said court and signed and acknowledged said bond in due form of law, and thereupon said court accepted and approved the bond as sufficient; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proceedings of the Metcalfe county court on the 7th and 14th days of January, 1878, in continuing the execution and accepting and approving the revenue bond of John D. Kinnard, sheriff of said county, be, and the same are hereby, legalized; and the bond so accepted and approved shall have the same force and effect in law as if the execution thereof had been completed on the 7th day of January, 1878: *Provided*, That the sureties on said bond shall, on or before the first Monday in April, 1878, come before said court and consent to the provisions of this act.

§ 2. *And be it further enacted*, That in the event all of said sureties do not come before said court and consent to the foregoing provisions, then said John D. Kinnard, sheriff of Metcalfe county, may, on or before the 1st day of May, 1878, go before the Metcalfe county court and execute bond for the collection of the State revenue of Metcalfe county for the year 1878; and such bond, when so executed and accepted and approved by said county court, shall have the same force and effect as if executed on the first Monday in January.

§ 3. This act to take effect from and after its passage.

Approved February 9, 1878.

LAWS OF KENTUCKY.

CHAPTER 155.

AN ACT repealing an act for the benefit of the present and future sheriffs of Bath county, approved the 22d day of February, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the present and future sheriffs of Bath county," approved February 22, 1871, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved February 9, 1878.

CHAPTER 156.

AN ACT to repeal an act to charter the town of Berlin, in the county of Bracken, and an act amending the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to charter the town of Berlin," approved March 15th, 1869, in Bracken county, and an act, entitled "An act to amend the charter of the town of Berlin," approved March the 6th, 1876, be, and the same is hereby, repealed.

§ 2. That this act shall take effect from and after its passage.

Approved February 9, 1878.

CHAPTER 157.

AN ACT to amend the charter of Brandenburg, Kentucky, passed and approved March 28, 1872, so as to authorize the trustees of said town to make or adopt such changes in the sidewalks of said town as they may deem proper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Brandenburg, Kentucky, be empowered and authorized to make such variations in the grade of the sidewalks of said town, or adopt such variations as have already been made, in all such cases as in their judgment may be deemed just and proper.

§ 2. This act to take effect from its passage.

Approved February 9, 1878.

CHAPTER 158.

AN ACT for the benefit of Richard Reed and Mrs. E. K. Chevis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the residences, and grounds thereto attached, of Richard Reed and Mrs. E. K. Chevis, be excluded from the corporate limits of the city of Mount Sterling, and from the boundaries thereof as now defined by law.

§ 2. This act shall take effect from and after its passage.

Approved February 9, 1878.

CHAPTER 159.

AN ACT for the benefit of McCracken county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of McCracken be, and it is hereby, authorized and empowered to make and enter into any contract or contracts, with any person or persons, corporation or association of persons, for the compromise, purchase, or redemption of any and all bonds, coupons, judgments, or other indebtedness of said county, whether the same be due or not due, growing out of the issue of any bonds or coupons heretofore issued by said county; and said county, acting through its county court, and such agents as may be appointed by the county court of McCracken county, are hereby authorized and empowered to execute and carry out such contracts; and for that purpose it is hereby authorized to issue, negotiate, and deliver new bonds of said county, not exceeding three hundred and fifty thousand dollars, in such amounts as it may deem best, and on such time as the county think proper, and bearing any rate of interest not exceeding six per cent. per annum, with coupons attached to represent the interest, payable semi-annually, at such time and place as it may think best; the bonds to be signed by the county judge and county court clerk, with the seal of said county attached, and the coupons on said bonds to be signed by the clerk alone; and it shall have the right to sell all of said bonds at not less than their par value, or to exchange the same with the holders of bonds of McCracken county, now outstanding, upon

County authorized to contract for purchase or redemption of bonds.

such terms as may be agreed to by the holders and the said county court of McCracken county, and its agents, upon the surrender and cancellation of the old bonds; and the county clerk of said county shall keep a record of all bonds issued under this act, showing the date of such bond, when payable, the amount thereof, and the number of coupons attached to each bond, which record shall also show the number and amount of bonds sold, and the number and amount exchanged for other bonds of said county; the records shall also show the number, amount of bonds, and coupons taken up and canceled by sale or exchange of the new bonds; and said record shall be open at all times to the inspection of the tax-payers of said county.

Faith and credit
of county pledged
to carry out con-
tracts.

§ 2. That the faith and credit of the county of McCracken be, and the same is hereby, pledged to carry out in good faith any and all contracts made by it for the issue, purchase, compromise, and redemption of any and all bonds and coupons issued under the first section of this act; and any and all bonds and coupons issued and delivered under this act shall be valid and binding on the parties thereto; and any bona fide holder or owner of any such bond or coupon issued and delivered as aforesaid, on obtaining a judgment, in any court of competent jurisdiction, against the said county, shall, if the county refuse, for thirty days after demand, to levy and proceed in good faith to have collected a tax sufficient to pay any such judgment, interest, and costs, be entitled, on application to the circuit court, or, in vacation, to the circuit judge of the first judicial district, after having notice thereof served on the judge of said county, to have an order made, based on the last preceding assessment, levying a tax and appointing a collector, whose duty it shall be to collect from the tax-payers of McCracken county sufficient to pay off such judgment, interest, and cost, and the cost of collecting the same; and the collector so appointed shall have all the power given by law to the collectors of State revenue and county levies, and be liable in like manner: *Provided also*, That any collector appointed under this section shall, before he proceeds to act, execute a bond, with good solvent surety, to be approved and attested by the judge of said district, the same to be by him delivered to the McCracken county court clerk for safe-keeping; and should the county court, held by the county judge and justices or by the county judge, fail, for ten days after demand in

writing, to levy and proceed in good faith to collect a tax, as provided in this act, then, and in that event, it is hereby made the duty of the circuit court, or judge thereof in vacation, being informed of such failure by any bona fide bondholder or his attorney, to levy and have collected, as in case of a judgment, a tax to pay off semi-annual interest on past due coupons of bonds issued under this act, of which application the county court or judge thereof shall have ten days' written notice.

§ 3. That if at any time all the justices of the peace of McCracken county shall resign, or if at any time the number of justices, from death, resignation, or other cause, be reduced to a less number than a majority of all the justices to which by law said county is entitled, then, and in that event, the county judge of said county, sitting as a court, shall have and exercise all the powers of the county court of McCracken county, within the meaning and purview of this act, and possess and exercise all the powers conferred upon the McCracken county court by this act.

County judge to exercise powers of county court in the event of resignation of justices.

§ 4. That it shall be the duty of all collectors appointed under the provisions of this act to make monthly reports, under oath, to the county treasurer of McCracken county, of all moneys collected by him or them; and such collectors shall at once pay over to the county treasurer the amount of all money collected by him, less the commissions allowed by law or order of the court or judge making the levy. And it is hereby made the duty of the treasurer of McCracken county to deposit all moneys collected under the provisions of this act, so soon as he receives the same, in some solvent bank, to the credit of McCracken county, which money shall be paid out by such bank only upon the check of the treasurer of McCracken county. And no such collector or treasurer shall have the right to use or loan said money, or any part thereof, for any purpose whatever, save and except as provided in this act.

Collectors to make monthly reports.

§ 5. All such collectors shall collect the entire tax in his hands, and pay the same over to the county treasurer within ten months from the time the tax-books are placed in his hands for collection. And it is hereby made the duty of the sheriff of McCracken county to collect all tax levied by the county court under this act; and should he fail for ten days, after the levy of any such tax and notice to him, to exe-

ente bond, with good and sufficient surety, to be approved by the county court, then it shall be the duty of said county court to declare, by order of record, his office of tax collector forfeited. And in that case it is made the duty of the said county court to appoint a tax collector, and take bond from him, with good and approved surety, and fix, by order, the compensation of such collector. And if any sheriff or tax collector shall fail to collect or pay over the taxes, as provided in this act, to the county treasurer, such sheriff or collector so in default shall, with his sureties on his official bond, be liable to an action, on motion on ten days' notice in the McCracken circuit or common pleas courts, in which action the county of McCracken, in its own name, shall recover for any default of the sheriff or collector the amount due the county, with interest from the time it should have been paid, the costs of the action or motion, and ten per cent. damages on the amount found due and recoverable. And should the treasurer of McCracken county fail to pay over any money in his hands when ordered to do so by the McCracken county court, he and his sureties shall be liable in like manner as is herein provided in regard to sheriffs and tax collectors; and the McCracken county court, held by the county judge, shall have the right to require all sheriffs, tax collectors, and the treasurer of McCracken county, to renew or give additional surety upon their official bonds as such officers, as often as he may think proper, so as at all times to have securities on said bonds good and solvent for any amount of money in their respective hands.

Assessment and
levy to be made,
and collector ap-
pointed.

§ 6. That it shall be the duty of McCracken county to have an assessment, make a levy, appoint a collector, and have collected from the tax-payers of McCracken county, upon all property which is now or that may hereafter be assessed for, and subject to, State revenue purposes, including the amount given in under the equalization law, to pay the semi-annual interest or past due coupons on all bonds issued under the provisions of this act, and also to pay off and take up the said bonds at maturity; and if the county court shall deem it proper, it may, in addition to the tax herein provided for, levy an additional tax upon the taxable property of said county to create a sinking fund to purchase any or all bonds and coupons issued under the provisions of this act.

§ 7. That the county court of McCracken county shall cancel all bonds and coupons purchased under the provisions of this act, by writing on the face thereof, with red ink, the following: "This bond has been bought in by McCracken county, and is not to be re-issued;" and the county clerk, in the presence of the county judge, after having made a record of the bonds and coupons purchased under this act, shall burn the same.

All bonds purchased to be canceled.

§ 8. *Be it further enacted,* And as an inducement to the tax-payers of McCracken county to furnish the money with which to at once purchase the outstanding bonds and debts of said county, it is hereby made lawful for the tax-payers, or any of them, of McCracken county, to pay to the county treasurer his or their taxes due, or to become due, to said county, taking his receipt therefor; and all payments so made are declared a valid payment of such a one's share of the taxes due, or to become due, on account of the present indebtedness of said county, to the extent he or they may thus pay; and if the amount of the payment or payments thus made shall be equal to or exceed the whole amount of taxes due, and to become due, by such tax payer, to take up the bonded debt of said county, then the tax-payer so paying shall be relieved from any further taxes under this act; and should any tax-payer pay under this section more than his proper quota of said indebtedness, then, it shall be the duty of the county to refund to him the overplus so soon as ascertained, or as may be agreed upon; and the treasurer of McCracken county shall keep a record-book, in which he shall open an account with the parties making advancements under this section, which book shall be carefully indexed, and show the full names of the payors, the amounts paid, and the date of payments; and the book shall be subject at all times to inspection by the parties making advances, and the McCracken county court and sheriff or collector; and the money or moneys thus collected shall be deposited by the treasurer in like manner as that taken in through the collectors, and be subject to the same restrictions in every respect; and the county court shall make the treasurer a proper allowance for his trouble under this act, to be paid out of the amount collected.

Tax-payers paying all taxes to be relieved from further payment of taxes.

§ 9. That if any sheriff, collector, or the county treasurer, or other county officer having charge or control thereof, shall use, loan, or in any way misapply any money or moneys col-

Penalty to be enforced against sheriff or collector for misappropriation of funds.

lected or raised under this act, except the commissions to which, by law, they may be entitled, or shall be a party to any such misapplication of said fund, or any part thereof, or aid or assist any one so offending, shall be guilty of felony, and, upon indictment and conviction, shall be confined in the Penitentiary of this Commonwealth for a period of not less than two nor over ten years.

§ 10. This act shall be in force and take effect from and after its passage.

Approved February 9, 1878.

CHAPTER 160.

AN ACT to re-enact and amend an act to revise and amend the charter of the city of Newport, in Campbell county, and to legalize all official proceedings thereunder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the last clause of section 23 of an act, entitled "An act to revise and amend the charter of the city of Newport," approved February 17, 1874, as reads as follows, to-wit: "All proposed amendments to this charter shall be published, by posters or otherwise, at least fifteen days before submission to the General Assembly of Kentucky for enactment, and neither this charter, nor any amendment thereof, shall be valid until the same has been thereafter submitted to the qualified voters of said city, and approved by a majority of the votes cast at a general or special election, at such time as the city council may ordain," be, and the same is hereby, repealed; and said act, with the exception of the clause hereinbefore recited and repealed by this act, is hereby re-enacted and declared to be in full force and effect from and after the passage of this act.

§ 2. That all official acts and proceedings heretofore had and performed under the said act of February 17, 1874, hereinbefore recited, by any of the officers of said city, or other persons, acting by virtue of any authority supposed to have been conferred by said act, are hereby declared to be legal, and to have as full force and effect, and to be binding on all parties; and the several courts and authorities of this Commonwealth shall recognize as legal and binding, and enforce

the same, as if said clause hereby repealed had not been inserted in said act.

§ 3. This act shall take effect from and after its passage.

Approved February 9, 1878.

CHAPTER 161.

AN ACT to amend an act, entitled "An act to incorporate the town of College Hill, in Madison county," which became a law without the Governor's signature March 22, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the marshal of the town of College Hill, in Madison county, Kentucky, be, and he is hereby, invested with the same powers, and chargeable with the same duties, as are constables in this Commonwealth, and liable to the same penalties.

§ 2. That said marshal shall give bond in the Madison county court, the same as now required of constables, and shall be entitled to the same fees and commissions as are now allowed constables.

§ 3. This act to take effect from and after its passage.

Approved February 11, 1878.

CHAPTER 162.

AN ACT to amend the charter of the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of said town shall have the right to sell any part of Poplar street, provided the width of said street shall not be under sixty-four feet.

§ 2. This act to be in effect from and after its passage.

Approved February 11, 1878.

CHAPTER 163.

AN ACT to incorporate the Jefferson Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That P. D. Barbour, Norborne Arterburn, Pollock Barbour, John D. Barbour, A. C. Yager, and P. N. Yager, their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Jefferson Turnpike Company, with perpetual succession; and by that name are hereby made capable in law and equity to sue and be sued, implead and be impleaded, in all courts of law and equity; to contract and be contracted with; to make, use, and have a common seal, and to alter the same at pleasure; and said corporation shall have such powers and authority as are usual and incident to turnpike corporations in Kentucky, and as are necessary to carry out the purposes of this charter.

§ 2. The capital stock of said company shall be eighty thousand (\$80,000) dollars, which may be increased or diminished at the pleasure of the company, divided into shares of one hundred dollars each.

§ 3. All of the affairs and business of said company, not herein specially given to the stockholders, shall be managed and controlled by a board of directors, composed of five persons, and by a president, to be chosen by said board; and the incorporators named in this act shall be and constitute the board of directors for the period of one year from and after the organization of said company under this act, and until their successors are elected and qualified; and thereafter the president and directors are to be chosen annually by the stockholders, at such times and places as the president and board may appoint, and shall continue in office for one year, and until their successors are elected and qualified; and the board shall consist of such number as may be fixed by the stockholders, or as may be elected by the stockholders. At the annual election the stockholders shall have the power, if they see fit to do so, to prescribe and fix the salary of the president, or said salary may be fixed by the board of directors; and in the election of said board and fixing said salary, each stockholder shall have a vote for each share of stock held by him or her, and a fraction of a vote for a corresponding fraction of a share of stock. No one

but a stockholder shall be eligible for president or director. Any vacancy occurring in the board shall be filled by the remaining members of said board, until the next annual meeting of the stockholders, and until their successor or successors are qualified. The board shall have power to appoint a treasurer, secretary, gate-keepers, and all other officers and agents deemed necessary by said board, and to remove them, or either of them, at pleasure, and to require of such officers such bonds as they may deem necessary and expedient to insure and secure the performance of their respective duties and to protect the said company; and said board shall have power and authority to prescribe and establish rules, regulations, and by-laws, prescribing and fixing the duties of the officers and agents of the company, and the mode and manner of their performance; and shall also have power and authority to establish by-laws and rules in and about the transaction, control, and management of the business and affairs of the company, as they may deem necessary and proper.

§ 4. Said company shall have power and authority to purchase, lease, buy, sell, and convey any real or personal estate it may deem necessary and expedient for the business or interest of said company.

May purchase and sell real estate.

§ 5. And said first board of directors shall have full power and authority to purchase, acquire, and receive, and to hold, own, manage, and operate the turnpike road lying and being in Jefferson and Oldham counties, commencing at the city of Louisville and running eastwardly towards Oldham county, on a line approximately parallel with the Ohio river, and heretofore known as the Jefferson and Brownsboro Turnpike Road Company, and being the same sold on the fourth day of June, 1877, by decree of the Louisville chancery court in action No. 30,954, styled "Willis Snyder, &c., vs. the Jefferson and Brownsboro Turnpike Road Company, &c.;" and said board is also authorized and empowered to acquire, by purchase or otherwise, the road-bed, rights of way, toll-gates, and all rights of property appurtenant and incident to said road, and hold, own, use, operate, and control the same; and said board shall have all power and authority necessary and essential to effectuate and complete the purchase and transfer of said road, road-bed, rights of way, lands, and all of said rights of property.

Powers of first board of directors

Toll-gates & tolls
to be charged.

§ 6. Said company may, for five (5) continuous miles of its road, when purchased as aforesaid, erect toll-gates thereon and charge tolls thereat, at a rate of toll not exceeding the tolls authorized to be charged by the General Statutes, or may retain the toll-gates on said road at the time of their purchase thereof; or may construct and establish other toll-gates at distances not inconsistent with the provisions of this act.

May establish
rates of toll.

§ 7. Said board may establish the rates of toll to be collected; and may, in such manner as the president and directors may seem best, regulate the travel on the road between its gates, and charge tolls therefor, and collect the same; but such tolls so charged and collected shall not exceed, in proportion, the rates of toll allowed by the General Statutes. Said board may issue to persons traveling said road permits for any length of time, not exceeding a half year, at such charge and price as may be agreed on, and such permit may be for the person alone to whom it is granted, or to him or her, and his or her family and servants and employes, as may be agreed. And said company may, at any of its gates, charge toll for the whole distance traveled by a person on its road in all cases where such person passes but one gate.

How company
may acquire
land, right of
way, &c.

§ 8. Said company shall have the right to acquire and hold, by purchase or lease, lands for toll-houses, stone quarries, gravel-beds, and timber, and, in case of change of the location of the road, or any part thereof, rights of way; and if it cannot obtain the same by purchase, as aforesaid, it may petition the Jefferson county court for a writ of *ad quod damnum* to condemn the same, and said writ shall be issued and tried in the usual manner; but on such trials the advantages and disadvantages of the road to the person and land of the person, whilst they may be set off against each other, shall not be set off against the actual value of the land, &c., taken; nor shall said company enter upon or take or enjoy said land, timber, &c., until the damages adjudged on the finding of the jury shall have been paid. In case either party so desire, an appeal from the finding of the jury may be taken to the Jefferson court of common pleas or other court of like jurisdiction, and the judge thereof shall hear and determine both the law and the facts upon the trial of such appeal.

Occupants of
toll-houses, or
other houses, not
considered ten-
ants.

§ 9. The gate-keepers or other employes appointed and put into the toll-houses or other houses shall not thereby be-

come tenants of said company, but shall only be occupants at the option of the president and directors; nor shall they be entitled to any notice to deliver the same, and any lands attached, than an order from the president notifying them or either of them of his or her dismissal. If, upon such order, any employe shall fail or refuse to quit the houses and deliver the same as required by said order, the president shall go before a justice of the peace and file with him a copy of said order and an affidavit setting out the delivery of the order to said employe (or the posting up on the house of said order, which shall be a sufficient delivery), and his or her failure to comply therewith; whereupon such justice of the peace shall issue his warrant, directed to any constable or sheriff of Jefferson county, to eject such employe and deliver the house and land to the president of the company; and for such failure shall be deemed guilty of a misdemeanor, and, upon indictment and conviction in the Jefferson circuit court or other court of like jurisdiction, may be fined in any sum not exceeding two hundred (\$200) dollars; and in the bond which may be required of the employe, he shall also stipulate for the quiet surrender of the house and land thereto attached upon dismissal, as aforesaid. Any one building a fence in or upon said road, or within the right of way of said company, after the passage of this act, shall be guilty of a misdemeanor, and, upon indictment therefor and conviction thereof in the Jefferson circuit court, or other court of like jurisdiction, shall be fined five dollars for each and every day shall have been and remained in said road and within said right of way, from the placing, erection, or building thereof to the date of the indictment, not exceeding one year; one half of the fines herein provided, after payment of costs, shall go to the company, and remainder be paid to the jury commissioner.

§ 10. The president and directors may, from time to time, sell parts of the road, including the right of way, to the city of Louisville; but such sale or sales shall not be of more of said road than is within the limits of said city at the time of sale; and the said board shall have full power and authority, by and with the consent of two thirds of the stock, to sell, transfer, and convey, at such times and on such terms as may be agreed, the whole of said road, or any part thereof, including the rights of way, lands, privileges, and franchises of this company.

May sell parts of
the road.

Toll-gates & tolls
to be charged.

§ 6. Said company may, for five (5) continuous miles of its road, when purchased as aforesaid, erect toll-gates thereon and charge tolls thereat, at a rate of toll not exceeding the tolls authorized to be charged by the General Statutes, or may retain the toll-gates on said road at the time of their purchase thereof; or may construct and establish other toll-gates at distances not inconsistent with the provisions of this act.

May establish
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§ 7. Said board may establish the rates of toll to be collected; and may, in such manner as the president and directors may seem best, regulate the travel on the road between its gates, and charge tolls therefor, and collect the same; but such tolls so charged and collected shall not exceed, in proportion, the rates of toll allowed by the General Statutes. Said board may issue to persons traveling said road permits for any length of time, not exceeding a half year, at such charge and price as may be agreed on, and such permit may be for the person alone to whom it is granted, or to him or her, and his or her family and servants and employes, as may be agreed. And said company may, at any of its gates, charge toll for the whole distance traveled by a person on its road in all cases where such person passes but one gate.

How company
may acquire
land, right of
way, &c.

§ 8. Said company shall have the right to acquire and hold, by purchase or lease, lands for toll-houses, stone quarries, gravel-beds, and timber, and, in case of change of the location of the road, or any part thereof, rights of way; and if it cannot obtain the same by purchase, as aforesaid, it may petition the Jefferson county court for a writ of *ad quod damnum* to condemn the same, and said writ shall be issued and tried in the usual manner; but on such trials the advantages and disadvantages of the road to the person and land of the person, whilst they may be set off against each other, shall not be set off against the actual value of the land, &c., taken; nor shall said company enter upon or take or enjoy said land, timber, &c., until the damages adjudged on the finding of the jury shall have been paid. In case either party so desire, an appeal from the finding of the jury may be taken to the Jefferson court of common pleas or other court of like jurisdiction, and the judge thereof shall hear and determine both the law and the facts upon the trial of such appeal.

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§ 10. The president and directors may, from time to time, sell parts of the road, including the right of way, to the city of Louisville; but such sale or sales shall not be of more of said road than is within the limits of said city at the time of sale; and the said board shall have full power and authority, by and with the consent of two thirds of the stock, to sell, transfer, and convey, at such times and on such terms as may be agreed, the whole of said road, or any part thereof, including the rights of way, lands, privileges, and franchises of this company.

May sell parts of
the road.

May erect a toll-gate at limits of city of Louisville.

§ 11. Said company shall have the right to locate, establish, and build a toll-gate at the limits of the city of Louisville, and to acquire the land, &c., necessary therefor in the manner hereinbefore prescribed.

§ 12. This act shall take effect from and after its passage.

Approved February 11, 1878.

CHAPTER 165.

AN ACT to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Glasgow.

ARTICLE I.

Corporate Powers, Boundaries, and Wards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary.

Name and style.

Corporate powers.

§ 1. That so much of the county of Barren as is embraced within the present limits of the city of Glasgow, as hereinafter named, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the city of Glasgow; and by that name may have perpetual succession; sue and be sued in all courts of law or in equity; may contract and be contracted with; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation; and may lease, sell, and convey, or otherwise dispose of the same.

§ 2. And said city is invested with all the lands, tenements, hereditaments, and all the goods, chattels, moneys, revenues, rights and demands, in possession or expectancy of the town of Glasgow; and shall be bound by all contracts, and responsible for all debts, demands, and liabilities, of whatsoever kind, against said town, in the same manner and to the same extent as before the adoption of this act.

Streets, alleys, roads, and lanes.

§ 3. All the streets, alleys, roads, lanes, and commons now open to the public for travel, and now established in said town, are hereby declared to be streets, alleys, roads, lanes, and commons of the city of Glasgow.

Corporate limits.

§ 4. The corporate limits of the city of Glasgow are hereby established as follows: All the territory within the following lines, to-wit: a line on the most northern side of said town, and a line on the most southern side thereof, each running parallel to Main street, at a distance of one half mile from the centre of the court-house square to the centres, respect-

ively, of said lines, and extended to their intersections, at right angles with a line on the most eastern side thereof, and with a line on the most western side of the same, running the same distance from the centre of said square as the said most northern and most southern lines.

§ 5. Said city shall be laid off into three wards. The first shall begin on the eastern boundary line of the city of Glasgow, in the centre of Main street, and run with the centre of said street to the western boundary line of the city; and thence with the northwestern, north, and northeastern boundary line of the city to the beginning. The second ward shall begin on Main street at the crossing of Green street, and running thence with Green street to the south boundary line of said city; and thence with said south and southeastern boundary of said city to the centre of Main street; and thence with Main street to the beginning. The third ward shall begin in the centre of Main street, at the crossing of Green street, and run with Main street to the western boundary line of said city; thence with the western, southwestern, and south boundary line to Green street; and thence with Green street to the beginning.

To be laid off
into wards.

§ 6. In all suits or proceedings against said city service of process shall be upon the mayor, or, in his absence from the city, upon the clerk of the city council.

Upon whom ser-
vice of process to
be made.

ARTICLE II.

Distribution of the Powers of Government.

§ 1. The corporate powers of the city of Glasgow shall be divided into three distinct departments, namely: the legislative, the executive, and the judiciary.

ARTICLE III.

Legislative Department.

§ 1. The legislative powers of the city of Glasgow shall be vested in a mayor and six councilmen, to be styled the city council of Glasgow.

§ 2. No person shall be eligible as a member of the city council who is not a male citizen and legal voter of said city, and an owner of real estate therein, and who has not been a continuous and bona fide resident thereof for at least one year next preceding his election, and who is not a resident of the ward for which he is elected (except the mayor, who may be a resident of any ward), and who shall be directly or indi-

Eligibility
members of ci
council.

rectly interested in any contract with said city, or in any application therefor; and if, after election, any member of the city council shall remove from the city or ward for which he was chosen or elected, or shall die or resign his office as councilman, or accept any office, post, employment, or agency, the holding or discharging of which would have rendered him ineligible as a member of the city council, his seat as such member shall be thereby vacated.

Stockholders in corporations may be eligible.

§ 3. Stockholders in corporations may be eligible as members of the city council, but shall not vote on any question, directly or indirectly affecting said corporation, or any right or duty under the same, or contract or agreement between such corporations and the city of Glasgow.

Each member of city council to take an oath.

§ 4. Each member of the city council, and all other city officers, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath required by the Constitution and the laws of this Commonwealth, take, in substance, the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully, without fear, favor, or affection, perform the duties of the office of ——— of the city of Glasgow according to law." The oath or affirmation to be administered by any officer who is authorized by law to administer oaths; and a certificate thereof shall be noted on the journal and filed with the records of the city.

Term of office.

§ 5. The members of the city council shall hold their offices for the term of two years from and after their election, and until their successors shall be elected and qualified, save as hereinafter provided.

To keep a journal of proceedings.

§ 6. The city council shall keep, or cause to be kept, a correct journal of all their proceedings.

Time of meetings

§ 7. The city council shall meet on the fourth Tuesday in each month, and shall designate by ordinance the place of their meetings. The mayor or any two councilmen may call special meetings when, in his or their opinion, the interests of the city demand it.

Compensation of mayor.

§ 8. The compensation of the mayor shall not exceed fifty dollars per annum.

May prescribe rules for their proceedings.

§ 9. The city council may by ordinance prescribe the rules of their proceedings, and, by proper penalties, enforce the same, and punish members of said council for disorderly behavior during the sessions or meetings of said council.

§ 10. A majority of the city council shall constitute a quorum to transact business, and pass and enact laws and ordinances: *Provided, however,* That no ordinance incurring a liability or requiring an appropriation of exceeding two hundred dollars shall be valid, unless the same be voted for (and the ayes and nays be so entered upon the journal) by every member of the entire council: *And provided further,* That said council shall have no power to enlarge the indebtedness of said city, in any one year, more than five hundred dollars beyond the receipts of the city revenue for that year: *And provided further,* That the entire indebtedness of the city shall never exceed five thousand dollars.

A majority to constitute a quorum.

§ 11. Upon all questions voted upon by the city council, any member shall have the right to call for the yeas and nays, and have the same recorded in the journal.

Right to call for yeas and nays.

§ 12. The city council shall have power, within the limits of said city, in addition to the other powers granted to and vested in them by this charter—

Powers of city council.

First. To levy and cause to be collected a per capita and an ad valorem tax within the limits prescribed in this charter.

Second. To appropriate money, and provide for the payment of the debts and expenses of the city.

Third. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within one mile of the boundaries of the city.

Fourth. To establish hospitals and pest-houses, and make regulations and rules for the government of the same.

Fifth. To make rules and regulations to secure the general health of the inhabitants of the city.

Sixth. To prevent, abate, and remove nuisances at the expense of the owners or occupiers, or of the parties upon whose grounds they exist, and to define and declare, by ordinance, what shall be a nuisance within the limits of the city; and they may, by ordinance, affix the penalty for keeping causing, or committing a nuisance, which shall be by fine in the city court, not exceeding one hundred dollars for each day the same is continued after notice.

Seventh. To provide the city with water by means of springs, wells, cisterns, or otherwise.

Eighth. To establish, erect, and keep in repair bridges, culverts, sewers, and dams, and regulate the use of the same.

Ninth. To provide for the lighting of the streets, market-houses, and all city offices and buildings.

Tenth. To appoint, support, and regulate policemen, night-watches, and patrols, and to prescribe their duties and compensation.

Eleventh. To erect suitable market-houses, to establish market-places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of such as are stale and unwholesome.

Twelfth. To license, tax, and regulate auctioneers, gift stores, peddlers, insurance agents, brokers, pawnbrokers, tobacco factories, warehouses, and public halls.

Thirteenth. To license, tax, regulate, and suppress theatrical and other exhibitions, shows and amusements, circuses, menageries, and museums.

Fourteenth. To suppress gaming, drunkenness, gambling-houses, bawdy-houses, or houses of prostitution, street-walkers, and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders; and may provide for the prevention and punishment of any person who shall rent property to prostitutes, or shall suffer their property to be used or occupied by lewd or disorderly persons, and may prescribe by ordinance such penalty therefor as they may think proper.

Fifteenth. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of the city; to appoint fire wardens and property guards, with full powers to arrest and keep away from the vicinity of any fire occurring in said city idle or suspicious-looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing fires, and to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent the purloining or stealing goods or property at such fire, and such other power and duties as may be prescribed by ordinance.

Sixteenth. To erect and keep in repair accurate public scales, and appoint a public weigher, and to fix his compensation for his services.

Seventeenth. To provide for the levy and sale of the real and personal estate of all persons against whom or whose property a per capita or ad valorem tax is assessed under this charter, the regulation prescribed not to be in conflict with the provisions hereinafter provided.

Eighteenth. To erect a work-house, and provide for the regulation and government thereof.

Nineteenth. To elect a city attorney, clerk (who shall also be clerk of the city council), collector, treasurer, assessor, warden of the city work-house, and health officer (*ex officio* city physician), prescribe their duties, fix their fees and compensation, and provide for the payment of the same.

Twentieth. To elect, fix, and provide for the payment of the compensation of all city officers, servants, or agents, not otherwise provided for by this charter, and regulate and provide for the payment of all jurors, witnesses, and others for services in behalf of said city under this charter.

Twenty-first. To establish rules to enforce a faithful and honest discharge of the official functions of all officers of the city, and to prescribe the penalty for their non-observance.

Twenty-second. To remove from office any member of the city council or judge of the city court, for willful or corrupt misconduct in office, or for willful failure and neglect to discharge the duties required of them, or either of them, and to remove at pleasure any city officer, agent, or servant elected by the council; but in cases of impeachments, the party accused shall be notified of the charge or allegations against him, at least ten days previous to the day of trial, and which charges or allegations shall be spread upon the records of the city council.

Twenty-third. To declare and announce, by proper ordinance, all vacancies in office arising from any cause whatever, and fill the same by the election of a suitable and eligible person, who shall take the oaths of office heretofore prescribed, and, when necessary, execute the proper bonds, and enter upon and discharge all the duties of his office, until the expiration of the term for which he is appointed or elected.

Twenty-fourth. To make such rules, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Glasgow, and for the interest of trade, commerce, and manufactures thereof, as the council may deem expedient and necessary, not repugnant to the

Constitution of the State of Kentucky, and to enforce the observance by prescribing penalties and fines for the violation thereof; and to make all ordinances which shall be necessary and proper for the carrying into effect the powers vested by this act in the corporation, the city government, or any department or office thereof.

Twenty-fifth. To define by ordinance what shall constitute vagrancy, and to declare who are vagrants, and prescribe proper penalties and punishment therefor.

Twenty-sixth. To define by ordinance what shall constitute peddling, and declare who are peddlers.

Twenty-seventh. To provide for the prevention and suppression of any riot, rout, breach of the peace, noise, disturbances, disorderly or unlawful assembly in the streets, houses, or other places in the city, or any violation of any city ordinance, and for the arrest and confinement in the work-house of said city, or jail of Barren county, and to provide for the trial of the parties committing, engaging in, or taking part in, or aiding or abetting the same. The city council shall have power to prescribe the penalty for any violation of any of the city laws or ordinances, provided it shall not exceed sixty days' imprisonment in the work-house or county jail, or fine not exceeding two hundred dollars, or both. All persons arrested in said city shall have a speedy trial; but if arrested after five o'clock, P. M., may be confined by the officer making the arrest in the city work-house or county jail until the succeeding day; and in such cases the jailer of Barren county, or warden of the work-house, shall receive the party under arrest without an order of commitment, and safely keep until he or she is released for trial; if the jailer or warden refuses to receive such prisoner when in custody of an officer, he shall be fined for such refusal not less than five dollars nor more than fifty dollars.

Twenty-eighth. To prevent and remove any and all encroachments and obstructions into or upon any street, alley, sidewalk, lane, avenue, or public square established by this charter or by ordinance; regulate, modify, and change the grade and width of streets, alleys, lanes, avenues, sidewalks, pavements, and sewers, and to have and exercise complete and perfect control over same, and over all public squares or commons belonging to the city, or within the city limits, and over all property, real or personal, belonging to the city.

Twenty-ninth. To provide for the removal from the limits of the city, or for killing mischievous, vicious, and diseased animals, and for the punishment, by suitable fines and penalties, of the owner and keeper of such animals, for allowing them to go at large, and to impose a tax on the owners of domestic animals running at large in the city.

Thirtieth. To order and compel the owner of any lot, piece, or parcel of ground within the city, at his own costs and expense, to grade, pave, construct sidewalks, culverts, curbing, guttering, and otherwise improve that portion of such lot, piece, or parcel of ground, which bounds upon and adjoins any street, lane, avenue, alley, public road, or public square in said city; and if any such owner shall fail and refuse, for thirty days, to obey said order, after being notified of the same, which notice shall be by the delivery by the city marshal, or by the sheriff or any constable of Barren county, of a copy of said order, attested by the clerk of the council, to such owner, or if the owner be a non-resident of the county of Barren, then the notice shall be by the publication of said order, for one month, in any newspaper in said city; then the said council may order the same to be done at the cost and expense of the city, and said city shall have a lien upon such lot, piece, or parcel of ground for the money so expended, together with all cost and expenses, legal and extraordinary, attending the collection of the same, and may cause said lien to be enforced in the same manner as is prescribed for the enforcement of mechanics' liens in chapter seventy of the General Statutes of Kentucky; and the city court is hereby given jurisdiction concurrent with the Barren circuit court of causes of actions arising hereunder.

Thirty-first. To receive, alter, abolish, widen, straighten, extend, grade, pave, gravel, and otherwise improve, clean, and keep in repair, and to open and lay off new and additional streets, sidewalks, alleys, avenues, lanes, and public grounds, in such manner as they may prescribe by ordinance.

Thirty-second. To appoint a board of supervisors of all the books showing assessment of property or persons for taxation, and prescribe their duties and fix penalties for violation thereof.

Thirty-third. To demand and require a bond from the city judge, with good and sufficient security, for the faithful performance of his duties as such judge, which bond must be

Toll-gates & tolls
to be charged.

§ 6. Said company may, for five (5) continuous miles of its road, when purchased as aforesaid, erect toll-gates thereon and charge tolls thereat, at a rate of toll not exceeding the tolls authorized to be charged by the General Statutes, or may retain the toll-gates on said road at the time of their purchase thereof; or may construct and establish other toll-gates at distances not inconsistent with the provisions of this act.

May establish
rates of toll.

§ 7. Said board may establish the rates of toll to be collected; and may, in such manner as the president and directors may seem best, regulate the travel on the road between its gates, and charge tolls therefor, and collect the same; but such tolls so charged and collected shall not exceed, in proportion, the rates of toll allowed by the General Statutes. Said board may issue to persons traveling said road permits for any length of time, not exceeding a half year, at such charge and price as may be agreed on, and such permit may be for the person alone to whom it is granted, or to him or her, and his or her family and servants and employes, as may be agreed. And said company may, at any of its gates, charge toll for the whole distance traveled by a person on its road in all cases where such person passes but one gate.

How company
may acquire
land, right of
way, &c.

§ 8. Said company shall have the right to acquire and hold, by purchase or lease, lands for toll-houses, stone quarries, gravel-beds, and timber, and, in case of change of the location of the road, or any part thereof, rights of way; and if it cannot obtain the same by purchase, as aforesaid, it may petition the Jefferson county court for a writ of *ad quod damnum* to condemn the same, and said writ shall be issued and tried in the usual manner; but on such trials the advantages and disadvantages of the road to the person and land of the person, whilst they may be set off against each other, shall not be set off against the actual value of the land, &c., taken; nor shall said company enter upon or take or enjoy said land, timber, &c., until the damages adjudged on the finding of the jury shall have been paid. In case either party so desire, an appeal from the finding of the jury may be taken to the Jefferson court of common pleas or other court of like jurisdiction, and the judge thereof shall hear and determine both the law and the facts upon the trial of such appeal.

Occupants of
toll-houses, or
other houses, not
considered ten-
ants.

§ 9. The gate-keepers or other employes appointed and put into the toll-houses or other houses shall not thereby be-

come tenants of said company, but shall only be occupants at the option of the president and directors; nor shall they be entitled to any notice to deliver the same, and any lands attached, than an order from the president notifying them or either of them of his or her dismissal. If, upon such order, any employe shall fail or refuse to quit the houses and deliver the same as required by said order, the president shall go before a justice of the peace and file with him a copy of said order and an affidavit setting out the delivery of the order to said employe (or the posting up on the house of said order, which shall be a sufficient delivery), and his or her failure to comply therewith; whereupon such justice of the peace shall issue his warrant, directed to any constable or sheriff of Jefferson county, to eject such employe and deliver the house and land to the president of the company; and for such failure shall be deemed guilty of a misdemeanor, and, upon indictment and conviction in the Jefferson circuit court or other court of like jurisdiction, may be fined in any sum not exceeding two hundred (\$200) dollars; and in the bond which may be required of the employe, he shall also stipulate for the quiet surrender of the house and land thereto attached upon dismissal, as aforesaid. Any one building a fence in or upon said road, or within the right of way of said company, after the passage of this act, shall be guilty of a misdemeanor, and, upon indictment therefor and conviction thereof in the Jefferson circuit court, or other court of like jurisdiction, shall be fined five dollars for each and every day shall have been and remained in said road and within said right of way, from the placing, erection, or building thereof to the date of the indictment, not exceeding one year; one half of the fines herein provided, after payment of costs, shall go to the company, and remainder be paid to the jury commissioner.

§ 10. The president and directors may, from time to time, sell parts of the road, including the right of way, to the city of Louisville; but such sale or sales shall not be of more of said road than is within the limits of said city at the time of sale; and the said board shall have full power and authority, by and with the consent of two thirds of the stock, to sell, transfer, and convey, at such times and on such terms as may be agreed, the whole of said road, or any part thereof, including the rights of way, lands, privileges, and franchises of this company.

May sell parts of
the road.

cases of disturbing religious worship, riots, disorderly conduct, unlawful assemblies, and breaches of the peace, and in all cases within the jurisdiction of justices of the peace as now or hereafter given by general law in Barren county. Appeals can be taken from the judgment of said court to the Barren criminal court, or any court of Barren county of similar jurisdiction, in criminal cases, when the judgment exceeds twenty dollars.

Concurrent jurisdiction with justices of the peace.

§ 3. Said court shall have concurrent original jurisdiction in all matters, both in law and equity, within the limits of Barren county with justices of the peace in all actions and proceedings for the recovery of money and personal property, where the matter in controversy, exclusive of interests and costs, does not exceed fifty dollars in value, and concurrent original jurisdiction with the circuit court where the matter in controversy is over fifty dollars in value but does not exceed one hundred dollars in value, exclusive of interests and costs.

Where real estate is involved action to be transferred to circuit court.

§ 4. If, in any action in the city court, except as herein provided, it shall appear, during the pendency thereof, that the title of real property is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring it to the circuit court of the county, and to deliver the original papers and certified copies of all orders made in the action to the clerk of the circuit court, who shall docket the same, and on which the same proceedings shall be had as though the action had been brought originally in that court; but if judgment be rendered by the city court, the title to any real estate involved therein shall not be affected thereby.

As to suits against constables and their sureties.

§ 5. Said city court shall have jurisdiction within Barren county concurrent with justices' courts of motions against constables and their sureties, and against any officer of the city of Glasgow and his sureties, or any one of them, or the personal representative of any one or more of them, jointly with the survivors, for any money collected by them, or any of them, on any execution, order of sale, or fee-bill, or any note or account or other claim, put in their hands for collection, and which, on demand, they shall neglect or refuse to pay; and also to issue and try warrants of forcible entry and detainer.

§ 6. the city court shall be holden at the court-house in the city of Glasgow, or at such place as the judge may select.

Where court shall be held.

§ 7. All proceedings in, and process from, the city court, in criminal and penal actions, shall be in the name of the Commonwealth of Kentucky. The processes in civil, criminal, and penal cases shall be made returnable to the city court, and may be directed to the marshal of the city, or to any peace officer of the county; and the officer executing the process of said court shall be entitled to like fees for like services, and to the same remedy for the collection thereof, as sheriffs of the State; and shall be subject to the like fines and penalties for like offenses and failures; and for the purpose of executing said process a policeman appointed by the council is a peace officer, and has the power and authority to execute said process in criminal and penal cases.

All proceedings to be in the name of the Commonwealth.

§ 8. The pleadings, practice, and mode of procedure in said city court shall be governed by the Kentucky Code of Practice in civil and criminal cases, except as herein provided.

§ 9. The Glasgow city court shall be a court of record; and the records thereof, or certified copies of the same, over the signature of the judge of said court, shall be evidence in any court of this Commonwealth.

Court of record.

§ 10. All fines and forfeitures recovered in the city court, and all other courts in Barren county, in the name of, or in favor of, the Commonwealth of Kentucky, for violations of the law within said city limits, are hereby granted to the city of Glasgow; and when collected, shall be paid to the treasurer of said city.

Fines collected to be paid to treasurer.

§ 11. A return of no property on a writ of *fiery facias*, issued on any judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth against the choses in action or effects of the defendant, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in circuit courts.

When an attachment may issue.

§ 12. Appeals shall lie from the decisions and judgments of the city court to the circuit court of Barren county in all civil cases where the amount in controversy, exclusive of interests and costs, is twenty dollars and over, and to the Barren quarterly court in civil cases where the amount in controversy, exclusive of interests and costs, is ten dollars and over, and in criminal cases as provided in this charter.

When appeals shall lie.

cases of disturbing religious worship, riots, disorderly conduct, unlawful assemblies, and breaches of the peace, and in all cases within the jurisdiction of justices of the peace as now or hereafter given by general law in Barren county. Appeals can be taken from the judgment of said court to the Barren criminal court, or any court of Barren county of similar jurisdiction, in criminal cases, when the judgment exceeds twenty dollars.

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Where real estate is involved action to be transferred to circuit court.

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Where court shall be held.

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All proceedings to be in the name of the Commonwealth.

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When an attachment may issue.

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When appeals shall lie.

approved by the council, and must be spread at large upon the records of the proceedings of the city council by the city clerk.

ARTICLE IV.

Executive Department.

Term of office of mayor. § 1. The mayor of the city of Glasgow shall hold his office for the term of two years, and until his successor is elected and qualified. He shall be the chief executive officer of said city. He shall preside at all meetings of the city council, decide points of order, and shall have the power, during the sessions of said council, to enforce good order and decorum, and to punish contempts as presiding judges of the circuit courts have given them by law.

May require information in writing from all officers of city. § 2. He may require information, in writing, from all officers of the city, on any subject relating to their respective offices, and shall perform and discharge such duties as may be prescribed, from time to time, by ordinance, not inconsistent with this charter.

May call special sessions. § 3. He may call special sessions of the city council whenever, in his judgment, it may be deemed necessary or to the interest of the city.

Shall have care of public property. § 4. He shall have the care and superintendence of the public property of the city, unless the council shall, by ordinance, otherwise provide; and he shall see that the laws and ordinances of the city are duly enforced and observed and faithfully executed.

To enforce laws and ordinances. § 5. He shall be a conservator of the peace; and when deemed necessary by him to enforce the laws and ordinances of the city to save life or property, or to quell riots, routs, or breaches of the peace, he may summon into service any of the citizens of said city, or of Barren county, either civil or military; and in such cases he must be present and command in person; and the council may, by ordinance, prescribe suitable fines and penalties for disobedience of his order or summons.

To give casting vote. § 6. He shall give the casting vote whenever the city council may be equally divided on any question or ordinance.

Remission of fines. § 7. He may, upon due investigation, and in the exercise of a sound discretion, remit any fine, penalty, or forfeiture incurred or imposed by or under any ordinance of the city; and may discharge from the work house or jail any person therein

confined for violation of such ordinance, provided the council unanimously concur therein.

§ 8. In case of the death, resignation, removal from office, inability or refusal to act, or temporary absence of the mayor, the members of the council shall elect one of their number as mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor until the disabilities be removed, or, in case of permanent vacancy in said office, until it shall have been filled as provided herein.

Vacancy in office of mayor—how filled.

§ 9. The mayor shall have power to administer oaths.

May administer oaths.

ARTICLE V.

Judicial Department—City Court and City Judge.

§ 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled the Glasgow City Court, which shall be held by a judge, to be styled the Judge of the Glasgow City Court, who shall be elected by the qualified voters of the city, at the time of the general election for the city council, and shall hold his office for the term of two years, and until his successor is duly elected and qualified.

Judge of city court to be elected.

§ 2. Said court shall have jurisdiction of all misdemeanors under the laws and ordinances of the city, and such other jurisdiction as is hereinafter stated, and shall have all necessary powers to effectuate the jurisdiction given; it shall also have power and jurisdiction of an examining court of Barren county, and shall, as such court, have the power and perform the duties of two justices of the peace; may take recognizances and bail bonds for appearance in said court, in any case cognizable in said court; and also recognizances and bail bonds in cases of felony and misdemeanor which shall be for an appearance in the circuit court, or in any court of competent jurisdiction in said county; and shall hear all complaints of breaches of the peace, and require sureties to keep the peace; and shall have power to commit to the work-house or county jail; and for violation of penal laws of the State or ordinances of the city, to impose such fines and penalties as may be prescribed by the laws of the State or ordinances of the city, to the amount of two hundred dollars, and, with the intervention of a jury, or without a jury, if it be waived by the party charged, to the amount of two hundred dollars and imprisonment not to exceed six months. Said court shall have concurrent jurisdiction with justices of the peace in

Jurisdiction of city court.

City court to be always open. § 13. The Glasgow city court, so far as it is a police court and court of inquiry, shall always be open for hearing and determining such cases without the intervention of a grand or petit jury.

Who eligible for office of city judge. § 14. No person shall be eligible to the office of judge of the city court unless he be a male citizen, at least twenty-five years of age, and has resided, as a bona fide resident, in the limits of the city at least two years next preceding his election, and possesses such other qualifications as are required for county judges.

Vacancy—how filled. § 15. Whenever a vacancy shall occur in said office, it shall be filled by appointment by the city council until the next regular election (or until his successor is elected and qualified), when the council shall order an election to fill the vacancy.

To be commissioned by Governor. § 16. Before he enters upon his duties, the city judge shall receive from the Governor of Kentucky a commission as such, which shall be granted to him upon his furnishing a certificate of his election from the officers of the election, or a certificate of his appointment from the clerk of the city council; and thereupon he shall, before the county judge, take the oath prescribed by this charter, and such oaths as are prescribed for civil officers by the Constitution and laws of Kentucky. A certificate of the taking of said oaths shall be indorsed on the said commission by the county judge, which commission, with its said indorsements, shall be recorded in the clerk's office of the Barren county court.

Powers of judge of city court. § 17. The judge of the city court shall be a conservator of the peace, and may issue warrants of arrest for all offenses against the laws of the State or ordinances of the city, when, from his personal knowledge, or from information from the city attorney or one of the city council, or from information given to him on oath from any other person, he shall be satisfied that there are reasonable grounds to believe that an offense has been committed; and for those offenses committed in his presence may order arrests without a warrant, the persons offending to be dealt with according to the laws of the State or ordinances of the city.

Terms—when held. § 18. The regular terms of said court, unless changed by the city judge upon reasonable notice, shall be held on the Tuesday after the third Monday in each month of the year,

and may continue from day to day until the business thereof shall be disposed of.

§ 19. He shall have the power and authority to grant injunctions, attachments, restraining orders, writs of *habeas corpus*, and to issue warrants in civil and criminal cases, under the same rules and regulations prescribed by law authorizing justices of the peace or the county judge to grant and issue the same, except as herein provided; he shall have the power to fine and imprison for contempt, provided the fine shall not exceed ten dollars and the imprisonment one day.

May grant injunctions, attachments, &c.

§ 20. The city judge shall act as clerk of his own court, and issue all processes returnable thereto, but may appoint a deputy clerk, but shall be responsible for his acts as such. He shall keep a docket, order-book, and execution-book, and such other books as may be necessary.

To act as clerk of his own court.

First. All necessary books shall be furnished by the city council.

City council to furnish books.

Second. The court must, by rule, fix a monthly return day of executions, and other rules to govern its proceedings.

Must fix a monthly return day.

Third. When the jurisdiction in the city court in civil actions is concurrent with circuit courts, a tax of fifty cents shall be paid to the city judge for the purpose, and under the same conditions as when such taxes are paid to clerks of circuit courts; and the same rules which govern clerks of circuit courts in the taxation of an attorney's fee shall apply to the city judge.

When a tax to be paid.

§ 21. The law governing the election of a special judge of a circuit court shall, as to the cause therefor and mode of election, apply to the election of a special judge of the city court, who shall possess the qualifications of the city judge.

Law governing election.

§ 22. The judge of the city court is hereby given all the powers and authority, rights and privileges, heretofore vested in the Glasgow police judge; and the present incumbent of the latter office is hereby made the judge of the Glasgow city court, and vested with the name, together with all the power, authority, rights, and privileges conferred on the city judge herein, and shall continue in office until the first city election under this charter, and until his successor is elected and qualified; and the name of the Glasgow police court is hereby changed to that of the city court of Glasgow; but said change shall in nowise affect any proceedings instituted in, or process

Powers granted.

issued from, or any act or thing done in or with reference to, the said police court.

When election
shall be held.

§ 23. On the second Saturday of April, 1878, and every two years thereafter, an election shall be held by the legally qualified voters of the city of Glasgow for the election of a city judge to fill said office.

ARTICLE VI.

Executive and Ministerial Officers—City Attorney.

Eligibility of city
attorney.

§ 1. No person shall be eligible to the office of city attorney who is not a qualified voter of said city, and has not been a continuous and bona fide resident thereof for at least two years next preceding his election; and unless he has been a regularly licensed practicing attorney for two years next preceding his election.

Duties of city
attorney.

First. It shall be the duty of the city attorney to give legal advice to the city council when called upon, and be present at the meetings thereof; to prosecute all persons in the city court charged with a violation of the criminal and penal laws and ordinances of said city or the State of Kentucky; to institute proceedings for the enforcement of the forfeiture of recognizances and bail bonds in said court, and the enforcement of all judgments against offenders; and for his services in each case, he shall be entitled to a fee of two dollars.

To hold office at
pleasure of coun-
cil.

Second. He shall hold his office at the pleasure of the council.

City officer must
be a qualified
voter.

§ 2. No person shall be eligible to the office of city clerk, marshal, treasurer, or assessor, who is not, at the time of his election or appointment, a qualified voter of the city.

City clerk to
execute bond.

§ 3. The city clerk, before he enters upon the duties of his office, shall execute a covenant to the city of Glasgow, with good security, to be approved by the council, conditioned for the faithful performance of his official duties.

To keep a record

First. It shall be his duty to make and keep a full and complete record of the acts and doings of the city council, in a book kept for that purpose; and each law, regulation, or ordinance passed by said council shall be spread at large by him on said record, and he shall furnish a copy thereof for publication whenever required to do so by the council.

To deliver copy
of assessor's book
to marshal.

Second. It shall be the further duty to make and deliver a copy of the assessor's book, as soon as practicable, to the

marshal or collector of taxes of said city, and take his receipt for the same.

Third. It shall be his duty to issue such license as are authorized by this act, and collect the price therefor in all cases before issuing the same, which he shall pay over, together with any other moneys collected by him, to the treasurer of the city, and report the same to the city council at its subsequent meeting.

Issue licenses.

Fourth. The clerk, at the end of each fiscal year, shall make a public expose of the financial condition of the city, and therein exhibit the receipts and expenditures of the last fiscal year.

To make an annual statement of financial condition of city.

Fifth. He shall hold his office at the pleasure of the council.

To hold office at pleasure of council.

Sixth. Upon the resignation, removal, or the expiration of his term of office, he shall, upon application, deliver to his successor, or such person as the council may direct, all books, papers, and records belonging to his office, and all furniture and property belonging to the city; and upon failure so to do, he shall be subject to the same fines and penalties prescribed by law for defaulting clerks of this Commonwealth.

To deliver all books and papers to his successor.

§ 4 The city marshal shall be elected by the qualified voters of said city on the second Saturday in April, 1878, and on the same day every year thereafter, and hold his office for the term of one year, and until his successor is elected and qualified.

City marshal—how elected.

First. He shall, before entering upon the duties of his office, execute bond, with security, payable to the city of Glasgow, and approved by the city council, conditioned that he will well and faithfully perform the duties of his office, and will pay over and account for all moneys collected by him upon *capias pro fines*, or otherwise, as marshal, under the penalties and conditions of bonds given by constables for the performance of their duties; and before entering upon the duties of his office, he shall take the oaths herein prescribed; and, in addition to the bond named, he shall execute bond for the faithful discharge of his duties in the collection of the taxes and revenue of said city, and pay over the same to the proper person; and in all things relating thereto shall be governed by the city council.

To execute bond and take oath.

Second. It shall be the duty of the marshal to serve all processes, precepts, notices, and other things to him directed, out of any court in this Commonwealth, and make due return

To serve all process.

issued from, or any act or thing done in or with reference to, the said police court.

When election
shall be held.

§ 23. On the second Saturday of April, 1878, and every two years thereafter, an election shall be held by the legally qualified voters of the city of Glasgow for the election of a city judge to fill said office.

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Eligibility of city
attorney.

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Duties of city
attorney.

First. It shall be the duty of the city attorney to give legal advice to the city council when called upon, and be present at the meetings thereof; to prosecute all persons in the city court charged with a violation of the criminal and penal laws and ordinances of said city or the State of Kentucky; to institute proceedings for the enforcement of the forfeiture of recognizances and bail bonds in said court, and the enforcement of all judgments against offenders; and for his services in each case, he shall be entitled to a fee of two dollars.

To hold office at
pleasure of coun-
cil.

Second. He shall hold his office at the pleasure of the council.

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To deliver copy
of assessor's book
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marshal or collector of taxes of said city, and take his receipt for the same.

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Issue licenses.

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To hold office at pleasure of council.

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To deliver all books and papers to his successor.

§ 4. The city marshal shall be elected by the qualified voters of said city on the second Saturday in April, 1878, and on the same day every year thereafter, and hold his office for the term of one year, and until his successor is elected and qualified.

City marshal—how elected.

First. He shall, before entering upon the duties of his office, execute bond, with security, payable to the city of Glasgow, and approved by the city council, conditioned that he will well and faithfully perform the duties of his office, and will pay over and account for all moneys collected by him upon *capias pro fines*, or otherwise, as marshal, under the penalties and conditions of bonds given by constables for the performance of their duties; and before entering upon the duties of his office, he shall take the oaths herein prescribed; and, in addition to the bond named, he shall execute bond for the faithful discharge of his duties in the collection of the taxes and revenue of said city, and pay over the same to the proper person; and in all things relating thereto shall be governed by the city council.

To execute bond and take oath.

Second. It shall be the duty of the marshal to serve all processes, precepts, notices, and other things to him directed, out of any court in this Commonwealth, and make due return

To serve all process.

thereof: *Provided*, It shall not be lawful for him to go outside of the city limits to serve any process in a civil action; and, except as herein provided, he shall have the same power in the service thereof as sheriffs and constables now have under the laws of this State.

To examine all streets and alleys

Third. It shall be the duty of the marshal to examine all the streets, alleys, and public places in said city from time to time, and report all needed improvements and repairs to the mayor; to suppress all nuisances; to cause all dead animals in the public thoroughfare to be removed or buried; to be constantly on the streets of said city, to prevent all offenses against the laws, and to arrest offenders; and he may have the power of the city and county to assist him in the performance of his duties; and any one failing and refusing to assist him, when summoned to do so, shall be fined not less than five dollars nor more than fifty dollars; and he shall perform these and all other duties, and execute all orders, processes, notices, and other things, as said city council may by ordinance prescribe.

To collect taxes.

Fourth. He shall collect the taxes as herein provided, and receive and enter on the tax-book the list of any person omitted by the assessor or board of supervisors.

City council may demand tax-books, & appoint a collector.

Fifth. The city council may at any time demand the tax-books of the marshal, by giving him ten days' notice of such demand, and may appoint a collector of taxes in his stead, who shall take such oaths and give such bonds as may be required of him by the city council.

To attend sessions of council.

Sixth. He shall attend all the regular sessions of the city court, and perform all the duties in this behalf that are required of sheriffs in circuit courts under the laws of this State.

City treasurer to execute bond.

§ 5. *First.* The city treasurer, before entering upon the duties of his office, shall execute a covenant, with surety, to the city of Glasgow, to be approved by the city council, conditioned for the faithful discharge of all his official duties.

Custodian of city funds, and must keep accounts.

Second. He shall be the custodian of the city funds, and shall keep a true and faithful itemized account of all moneys received and paid out by him, and shall render an account of the same to the city council at the expiration of each three months of the fiscal year, and at such other times as the council may direct.

Third. The treasurer, upon the expiration of his term of office, or upon his resignation or removal, shall deliver to his successor, or to such person as the council may direct, all the public money, books, property, or effects under his control belonging to the city of Glasgow.

To deliver all books and funds to successor.

Fourth. The city council may at any time require the treasurer to execute a new bond, or give additional security; and, upon his failure to do so, the office may, by ordinance of the council, be declared vacant.

May be required to execute new bond.

§ 6. All money of the city raised, collected, or received by means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury; and no money shall be drawn therefrom unless by the authority of the city council, upon an order signed by the mayor, and attested by the city clerk.

Funds to be paid into treasury.

§ 7. The assessor for the city of Glasgow, in addition to the oaths herein prescribed, shall take such oath, and shall give such bond to the city, and administer such oath to the person listed for taxation, as county assessors are required by law to take, give, and administer; and shall be controlled, as far as the same is applicable, by the laws of the State prescribing the duties of county assessors, and by such regulations as may be prescribed by ordinance of the city council.

Assessor to take an oath.

§ 8. The board of supervisors shall consist of three members, whose duties and power shall be the same, with regard to the city assessor's book, as county supervisors are with regard to the county assessor's book.

Board of supervisors.

ARTICLE VII.

Elections and Terms of Office.

§ 1. The city judge shall, before every city election, appoint suitable persons as officers of the election—two persons as judges, one as sheriff, and one as clerk of the election. Officers of all city elections shall be governed in all matters, not inconsistent with this charter, and be liable to the penalties imposed by the laws of this Commonwealth, governing elections for State officers.

Officers of election—how appointed.

§ 2. All elections under this charter, by the qualified voters of the city, shall be *viva voce*, and shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

Elections to be viva voce.

§ 3. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting

Illegal voting.

in the city of Glasgow for all city officers, subject to all the provisions of this charter touching the qualification of the voter.

Qualifications
and contested
elections.

§ 4. The city council shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any city officer shall be heard and determined by the council under such rules as may be prescribed by ordinance.

Poll-books to be
returned to city
clerk.

§ 5. The poll-books of all elections in the city shall be returned by the clerk of the election to the clerk of the city, who shall keep them on file and issue certificates to the officers elected.

When first gen-
eral election to be
held.

§ 6. The first general election under this charter shall be held on the second Saturday in April, 1878, at which time there shall be elected by the qualified voters all officers directed by this charter to be elected by the qualified voters. The councilmen, at the first session of the city council succeeding their election, shall determine by lot the length of time each one shall serve; and three of the members of said council shall hold their offices for one year, and three shall hold their offices for two years, as may be determined by lot as aforesaid, and annually thereafter, on the second Saturday — in each year, an election by the qualified voters of the city shall take place to fill the vacancy.

Qualification of
voters

§ 7. No person shall be entitled to vote at any city election who is not a male citizen of the United States and twenty-one years of age, and a legal voter under the laws of Kentucky, and who has not resided one year in said city next preceding the election at which he offers to vote, and who has not paid his per capita tax to the marshal of said city or the tax collector of said city and has the receipt therefor, for the year preceding the election at which he offers to vote; and no person shall be entitled to vote at the first election held under this charter who has not paid his per capita tax to the marshal of the town of Glasgow for the year preceding said election, and has not the receipt therefor.

ARTICLE VIII.

Revenue and Taxation.

Annual tax to be
paid.

§ 1. An annual tax of not exceeding forty cents upon each one hundred dollars' in value of the real and personal estate directed to be assessed for taxation, due and payable the fiscal

year assessed, shall be paid by the owner or person assessed in said city.

§ 2. An annual poll tax or per capita tax of not exceeding three dollars shall be levied and collected of each male inhabitant of said city over twenty-one years of age.

Poll-tax to be levied.

§ 3. The inhabitants of the city of Glasgow shall be exempt from the payment of any poll tax for county purposes.

Who exempt from poll-tax for county purposes.

§ 4. The city council shall have a lien, for all tax levied under this charter, on the property assessed, and on the other property of each person, which shall not be defeated by gift, sale, alienation, or any means whatever.

Lien for tax levied.

§ 5. All property not exempt from taxation under the general laws of this State shall be subject to taxation, as herein mentioned, for city purposes.

Property subject to taxation.

§ 6. At the first regular or special meeting of the city council after the assessor has returned his tax-book, and it shall have been examined and approved by the board of supervisors, or as soon thereafter as practicable, said council shall fix the rate of taxation for that fiscal year, and deliver the said book to the clerk of said council.

When council shall fix the rate of taxation.

§ 7. All taxes hereafter levied by the city council shall be due and payable at the office of the marshal or collector of taxes on the first day of July of each year. If not paid on or before the first day of September following, ten per cent. thereof shall be added as damages, and collected the same as the taxes. Said damages are for the benefit of the city, and not the marshal or collector. The lien herein given for taxes shall apply in the same manner to the damages assessed.

When taxes due.

§ 8. After the first day of September in each year, it shall be the duty of the marshal or tax collector immediately to levy all uncollected taxes on the property of those owing the same, to proceed to enforce the lien aforesaid. The marshal or tax collector shall have the same power and authority to sell property for taxes as sheriffs have under the laws of the State, and said sales shall be made in the same manner as sheriffs are required to make such sales by the laws of the State, and shall be governed by the same regulations, except as herein provided.

Duty of marshal or tax collector

ARTICLE IX.

Fees and Cost.

§ 1. In all prosecutions for violations of the city ordinance and by-laws, and all violations of the penal laws of this Com-

Fees to be taxed and paid into treasury.

monwealth, wherein judgment of conviction shall be rendered against the accused by the city judge, he shall tax as cost two dollars for the judge presiding at the trial, two dollars and fifty cents attorney's fee; for each execution and all indorsements thereon, fifty cents; and for all other services rendered, in any case where the jurisdiction is concurrent with the circuit court, he shall tax as cost the same fees allowed by law to clerks of circuit courts for similar services, and when the jurisdiction is concurrent with justices of the peace, he shall tax as cost the same fees allowed by law to justices for similar services. All of said fees shall be collected and paid over to the treasurer of said city, for the purpose of making up a proper allowance or salary to said judge and attorney by the city council. Nothing herein shall be construed to interfere with the taxation or collection of the fees to which the marshal or other officer authorized by this charter to execute process is entitled to charge and receive.

City Marshal, &c.

§ 3. The city marshal and policemen appointed by the city council, and any other officer authorized to execute process issued by the city judge, shall be entitled to charge and receive the same fees as sheriffs of this State are allowed for similar services; and for the collection of the city taxes a commission of not exceeding ten per cent. on the amount collected, the commission to be fixed by the city council.

Board of Supervisors.

§ 5. The members of the board of supervisors shall be entitled to receive for their services an amount not exceeding one dollar and fifty cents for each day they may be actually engaged, to be fixed and allowed by the city council.

City Treasurer.

§ 6. The city treasurer shall receive such compensation as the city council may allow him.

City Clerk.

§ 7. The city clerk shall receive such compensation as the city council may allow him, not exceeding one hundred dollars per annum.

§ 8. All officers of said city shall be entitled to receive such other fees, not provided for herein, as are allowed for similar services under the State law.

ARTICLE X.

§ 1. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the city of Glasgow.

§ 2. Any officer authorized in this act to execute any process requiring or allowing bail, shall have the authority to take the bail.

§ 3. The marshal, clerk, and treasurer of said city are prohibited from buying, discounting, or dealing in any way in vouchers or claims against said city, under a penalty of ten dollars for each offense.

§ 4. The term of office of all officers elected by the qualified voters of the city, shall begin on the first Monday in May after their election, and they shall enter upon the discharge of their duties, after the commencement of their term, as soon as they are qualified. The term of office of all officers elected or appointed by the city council shall commence upon their said election or appointment; and they shall enter upon the discharge of their duties as soon thereafter as they are qualified so to do under the provisions of this charter.

§ 5. This charter shall go into effect and be in full force as a law on and after its passage, and thereafter be the charter of the city of Glasgow; and all acts heretofore enacted, coming in conflict with this act, or any provision thereof, are hereby repealed: *Provided, however,* And it is hereby enacted, that the chairman of the present board of trustees of the town of Glasgow is hereby appointed mayor of said city, and the other members of said board of trustees are hereby appointed councilmen for said city; all of whom shall continue in office, under the oaths they have taken as trustees, till their successors are elected and qualified in pursuance of the provisions of this charter: *And provided further,* That all laws now in force prescribing the duties and fixing the responsibilities of his securities on his official bond, are continued in full force until his successor is elected and qualified in pursuance to the provisions of this charter.

Approved February 11, 1878.

LAWS OF KENTUCKY.

CHAPTER 166.

AN ACT to repeal the third section of an act to amend the charter of the Maysville and Mt. Sterling Turnpike Road Company, approved February 20, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the third section of an act, entitled "An act to amend the charter of the Maysville and Mount Sterling Turnpike Road Company," approved February 20, 1869, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not effect any abandonment or change of any part of said road which may already have been legally made under the authority of said section.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1878.

CHAPTER 167.

AN ACT to incorporate the Anderson County Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and capital stock.

§ 1. That there shall be, and there is hereby, established in the town of Lawrenceburg, Anderson county, Kentucky, a bank by the name of the Anderson County Deposit Bank, with a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, and which may be increased to two hundred thousand dollars by order of the directors.

Corporate powers.

§ 2. The subscribers and holders of said shares of stock, and their successors and assigns, shall be, and are hereby, created a body-politic and corporate, under the name and style of the Anderson County Deposit Bank, and shall so continue a body-politic and corporate until the first day of July, 1895; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, as natural persons, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects, and chattels as shall be necessary and convenient for the trans-

action of its business, or which may be conveyed, assigned, delivered, or in any way pledged to said bank as collateral security for, or received in payment of, any debt or demand that may be or become due or owing to said bank, or which may be purchased or conveyed in satisfaction of any debt, or any judgment, order, or decree of any court in favor of said bank; and may have and use a common seal, and alter, change, or renew the same at pleasure; and the board of directors of said bank hereinafter provided for may make, ordain, and establish, and put in execution, such by-laws, ordinances, rules and regulations, as said board may deem necessary and proper for the good government of said bank, and the prudent and efficient management of its affairs: *Provided*, That the same shall not be in anywise contrary to the Constitution and laws of this State or the United States.

§ 3. The business affairs of said bank shall be managed by a board of seven directors, each of whom shall, at the time of his election, be the owner of at least ten shares of stock in said bank, and a resident of Anderson county. Said directors, after the first election (which shall be held at a time and place chosen by a majority of the stockholders), shall be elected at the banking house of said bank on the first Saturday in January of each year, and shall continue in office for one year, or until the successors are duly elected. But a failure to hold said election on the day above designated shall in no case operate as a forfeiture of this charter, or in anywise impair the rights and privileges of said corporation; but in such case the election may be holden on a day appointed by the board of directors, after thirty days' written notice posted at the banking house of said bank, and at two other public places in Lawrenceburg, and shall have the same effect as if holden on the regular day designated for said election. Said election shall in all cases be by *viva voce*, and shall be held by a clerk and judges designated by the board of directors at some meeting previous to the same; and the certificate of such clerk and judges shall be conclusive proof of the election of the persons therein named as directors. At said election each stockholder shall have one vote for each share of stock he or she may own and hold in said bank.

Business affairs
—by whom man-
aged.

§ 4. The directors chosen as above may elect a president, cashier, and such other officers as they deem necessary to carry on said bank, fix the salaries and bonds of the same,

Officers—how
elected.

whose terms of office shall continue only at the pleasure of the board.

May take deposit
of stock.

§ 5. Said bank may take deposit of stock from any stockholder to an amount necessary to secure it for any moneys or demands such stockholder or stockholders may owe said bank. Such stock shall be held by said bank for payment of debt as any other property is held by individuals under the law.

Committee to
receive subscrip-
tion.

§ 6. James R. York, William F. Bond, J. A. Witherspoon, Larken H. Penney, G. H. Gaines, James McCall, A. C. Witherspoon, and James A. McBrayer shall constitute a committee (any three of whom may act) to receive subscriptions for stock; and the books shall be kept open for subscriptions until the whole of the fifty thousand dollars shall be taken; and as soon as it all shall have been subscribed and paid in, the bank may commence business.

Stockholders not
liable for corpo-
rate debts.

§ 7. Private property of the individual stockholders shall in no case be responsible for the corporate debts.

Penalty for mis-
appropriation of
funds.

§ 8. That any director, officer, or employe of the bank who shall knowingly appropriate any funds or valuables of the bank to his own use, or who shall make any wrong entry with the intention to cheat or defraud anybody, shall be imprisoned in the Penitentiary not less than five nor more than twenty years.

Deposits.

§ 9. Said bank shall be authorized to receive deposits from minors and married women; and their checks or orders for such deposits shall be good against all parties whatsoever.

Time of regular
meetings.

§ 10. The regular meetings of the board shall be on every Saturday; but the president may call a meeting at any time he may think proper.

Dividends—
when to be de-
clared.

§ 11. Dividends, if any, must be declared on the first Saturdays in January and July of each year.

Promissory notes
put on same foot-
ing as foreign
bills of exchange.

§ 12. All promissory notes made payable at said bank or other banks in this State, and inland bills of exchange, which may be discounted and owned by said bank, shall be, and are hereby, put on the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers and indorsers.

§ 13. The stock in said bank shall be deemed personal property, and shall be assignable according to such rules as the directors shall from time to time establish.

§ 14. This act is declared to be in force from and after its passage; and the corporators above named shall have all the

power and authority of directors until their successors are elected.

Approved February 14, 1878.

CHAPTER 168.

AN ACT for the benefit and settlement of H. D. Newcomb's estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees who shall undertake the execution of the trusts under the provisions of H. D. Newcomb's will, be, and they are, authorized to buy of his executors any part of said decedent's estate, real or personal; but said purchases shall not be consummated until they are approved by the Louisville chancery court; and said trustees may resell any property thus purchased from time to time, in their discretion, and shall re-invest the proceeds of such sales according to law and the provisions of said will.

§ 2 That the executors of H. D. Newcomb be, and are, authorized to sell his personal estate, or any part of it, either at private sale or public auction.

§ 3. This act shall take effect from its passage.

Approved February 14, 1878.

CHAPTER 170.

AN ACT to amend the charter of the town of Canton, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees, or a majority thereof, of the town of Canton, in Trigg county, shall have the power and authority, annually, to tax all licensed sellers of spirituous, vinous, or malt liquors in said town, a sum not less than fifty nor more than one hundred dollars; said tax to go into the revenue of said town, and be expended for the benefit and improvement thereof, under the supervision of said trustees.

§ 2. This act shall take effect from and after its passage.

Approved February 14, 1878.

LAWS OF KENTUCKY.

CHAPTER 171.

AN ACT to authorize the German Insurance Bank to reduce its capital stock to two hundred thousand dollars.

WHEREAS, A large majority of the owners and holders of the capital stock of the German Insurance Bank have petitioned the Legislature of Kentucky to pass an act authorizing the reduction of the capital stock of said bank to two hundred thousand dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the German Insurance Bank be, and it is hereby, authorized and empowered to reduce its capital stock to two hundred thousand dollars; and to this end, the board of directors of said bank may, in its corporate name and capacity, from time to time, purchase its said capital stock, until the reduction hereby authorized is accomplished, cancel the stock so purchased, and issue new certificates of stock when necessary.

§ 2. Said bank is also hereby authorized to transfer its bonds, notes, bills, or other securities, including any real estate held and owned by it, in payment for the stock which may be purchased as herein authorized.

§ 3. This act shall take effect from its passage.

Approved February 14, 1878.

CHAPTER 172.

AN ACT to amend the charter of the Danville and Perryville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the charter of the Danville and Perryville Turnpike Road Company, and any amendments thereto, permitting jurors to travel over said road free of toll, be, and the same are hereby, repealed.

§ 2. That the provisions of said charter, and amendments thereto, permitting persons to go to and from mill over said road with grain, free of toll be, and the same are hereby, repealed: *Provided*, That persons may go on horseback, car-

rying grain and its product, to and from mills, over said road, free of toll.

§ 3. This ~~act~~ shall take effect from its passage.

Approved February 14, 1878.

CHAPTER 173.

AN ACT for the benefit of certain turnpike roads that have no toll-gates in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioner of roads of Shelby county shall, whenever applied to by the directors or president of any turnpike road not collecting the toll on same, proceed to lay off a boundary or boundaries, and assign hands to work upon such road or roads, under the same penalties as are now provided by law in the case of county roads.

§ 2. This act shall take effect and be in force from its passage.

Approved February 14, 1878.

CHAPTER 174.

AN ACT to enable the board of directors of the Hills City Turnpike Road Company, in Mason county, to borrow money to pay off the indebtedness of said road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of directors of the Hills City Turnpike Road Company shall be, and they are hereby, authorized to borrow a sum of money not exceeding five thousand dollars, for the purpose of paying off the indebtedness of said road, and may agree to pay for same a rate of interest not exceeding eight per cent: *Provided, however,* That before the same shall be borrowed, an order shall be entered on the order-book of said company or board to that effect, showing that the same is made with the consent and approbation of a majority of said board.

§ 2. When the same shall be ordered, the president of said board may execute the bond or note of the company for the

sum borrowed, bearing the rate of interest agreed on, and payable at the time stipulated by the board, and for which said corporation shall be responsible; and they may secure the payment of said bond or note by mortgage or deed of trust upon said road, branches, and all the property, assets, franchises, rights and privileges of said company, conditioned upon the punctual payment of the interest and principal of said bond or note when due.

§ 3. This act shall take effect from and after its passage.

Approved February 14, 1878.

CHAPTER 175.

AN ACT for the benefit of Jerusha Mitchell, committee of Martha Hickman, of Clinton county.

WHEREAS, It appears that the inquest in the case of Martha Hickman, a pauper idiot of Clinton county, expired at the September term of the circuit court of said county, 1875, and was not again renewed until the September term, 1876, of said court, thereby creating an interregnum of twelve months between said inquests, for which period she receives no compensation from the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be authorized and directed to draw his warrant on the Treasurer in favor of Jerusha Mitchell, as committee of Martha Hickman, a pauper idiot of Clinton county, for seventy five dollars, as compensation for the interregnum between the expiration of the inquest in her case in September, 1875, and the renewal of the same in September, 1876.

§ 2. This act shall take effect from its passage.

Approved February 14, 1878.

CHAPTER 176.

AN ACT to authorize the Commercial Bank of Kentucky to go into liquidation and wind up its business.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Commercial Bank of Kentucky be, and they are hereby, authorized and

empowered to wind up the affairs and business of said bank, if a majority of the stockholders, or the stockholders owning or representing a majority of the stock in said bank, have or shall consent thereto.

§ 2. To effect which, the president and directors of said bank shall have all the power and authority which may be necessary to wind up the affairs and business of said bank upon equitable terms and principles; and shall have power to collect or sell the assets of said bank upon such terms as they may deem best for the interest of the stockholders.

§ 3. That the president and directors shall make distributions to the stockholders, from time to time, of the amounts collected and realized from the assets of said bank, but shall retain a sufficient sum to meet any liabilities of the bank for taxes or other demands which may come against said bank until all its affairs are finally wound up.

§ 4. In the event any demand shall come against said bank after final distribution to the stockholders, then each stockholder shall refund their ratable proportion to pay off said demand, and the officers of said bank shall not be personally liable therefor.

§ 5. That said bank shall advertise for sixty days, in one of the newspapers of Paducah and Louisville, for all persons holding the bank bills issued by said bank to present the same for redemption at its banking house in Paducah, on or before the first day of January, 1879; and the holders of any of the bills or notes on said bank, failing to so present the same by that time, shall be barred from collecting the same, by suit or otherwise, from said bank or its stockholders.

§ 6. This act shall take effect from its passage.

Approved February 14, 1878.

CHAPTER 177.

AN ACT incorporating South Louisville and Pleasure Ridge Turnpike Road Company, of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. T. Bergman, Patrick Joyes, L. M. Paine, Corporators. David Woods, J. T. Wood, Anthony Wiser, Wm. Schroer-luclac, John Churchman, or such of them, and all others as

shall become stockholders herein, be, and they are hereby, created a body politic and corporate, with perpetual succession, under the name and style of the South Louisville and Pleasure Ridge Turnpike Road Company, to be located in Jefferson county; and by and in that name may contract and be contracted with; may sue and be sued; may purchase and hold all such real estate, or interests in real estate, as may be necessary for the objects and business of the company only; may have, use, and change at pleasure, a seal; and generally shall have and perform all rights accorded to the most favored turnpike company by the laws of this State, local or general, and especially the Valley Turnpike and Gravel Road Company, located in Jefferson county.

Name and style.

Corporate powers.

Object of company.

§ 2. The object of said corporation (of the South Louisville and Pleasure Ridge Turnpike Road Company) is to construct and maintain a turnpike road in Jefferson county, to lead from or near the intersection of Seventh street, of the city of Louisville, extended south with what is called "P" street, in South Louisville, to the road of the Valley Turnpike and Gravel Road Company, at or near Pleasure Ridge Station, of the Cecilia Branch or Paducah Railroad, said road to be as near straight as practicable, to be of a width of not less than fifty (50) feet nor of more than seventy feet in width, and shall be of uniform width in its whole length. At least thirty-five (35) feet thereof in width shall be graded, and not less than eleven feet thereof in width shall be metaled with stone or gravel, either or both, as the board of management shall direct.

Capital stock.

§ 3. The capital shall be thirty-five thousand dollars, divided into shares of fifty dollars each; and subscriptions therefor shall be payable at such times, and in such proportions, as the board of management shall direct. If any subscriber for stock shall fail, for the space of twenty days after notice thereof, to pay his subscription, or any call thereon, the same shall be forfeited by the board of management, and he shall lose any call he has paid thereon.

When subscription books may be opened.

§ 4. The persons named in the first section hereof, or any two of them, may, within two years from the passage of this act, open a book for subscriptions to the capital stock of this company, and when not less than (80) eighty shares have been subscribed for by not less than ten persons, they shall call a meeting of the subscribers, by publication in a Louis-

ville daily paper of not less than five days, at such place and at such hour as they may deem proper, and said subscribers, or a majority of them, being present, may proceed to the organization, by the election of a board of management, to consist of five of the subscribers or stockholders, to-wit: a president and a secretary and treasurer, and three others, who shall serve until their successors are elected and qualified according to law.

§ 5. The board of management shall cause the road to be surveyed and located between the points named in the first section hereof, and may obtain by purchase, by gift, or by *ad quod damnum*, the rights of way necessary to the building or constructing of said road. After the location of said road, the board of management shall have power to lay off on each side of said road a district or territory, which shall not, in its greatest width, exceed one mile, but which shall not at any point include any land nearer another incorporated road actually constructed than it is to the road of this company; and the two districts or territories, for the purposes of this act, shall be one district or territory; and all the land within said district or territory shall be taxed to build the said road within it in manner hereinafter provided, if, upon a vote to be ordered at the request of the board of management by the judge of the Jefferson county court, a majority in value of the land within the said district shall vote therefor. At such election the values shall be voted by the owner of the land, the guardian of the infant owner, or committee of the idiot or lunatic owner, or by such person as the owner, guardian, or committee shall, by writing, authorize so to do; and the values voted shall be the last assessed values for State taxation. The election shall be held by such officers at such time and place, and upon such notice, not less than five days by handbills, as said county judge shall direct. The poll shall be returned to said court, and the judge thereof shall certify the result to said board of management; and if it shall appear from said certificate that a majority in value voted for the tax, then said board of management shall have power, and it shall be their duty, each year for three years, to deliver to the sheriff of Jefferson county a book containing a list of all the land-owners within said district, showing the number of acres each has within said district, with a tax of eighty (80) cents upon each (\$100) hundred dollars' in

Right of way
may be acquired.

value of said lands within a half mile of the road, and forty cents per one hundred dollars on the rest, calculated and extended, and said sheriff shall collect the same, and shall pay over the same to the secretary and treasurer of the corporation within ninety days from the receipt of said book. He shall have the same power to distrain for this tax as for State or county tax, and shall be liable on his bond for the collection of the revenue of the State, for the collection and payment as above of this tax, and shall be liable to suit therefor in the Jefferson court of common pleas in the name of the company; and for his services he receive (5) five per cent. upon his collections.- This tax shall be a lien upon the lands against which it is levied, which lien, in case of default of payment, may be foreclosed in the Louisville chancery court.

Who shall be stockholders.

§ 6. Persons paying the taxes provided for in the last section shall be stockholders to the extent of taxes paid, and certificates shall be given them for shares or fractional shares, upon surrender of tax receipts.

When meeting of stockholders shall be called.

§ 7. Within thirty days after the expiration of the ninety days named in the fifth section above, and after the tax for the first year, the board of management shall call a meeting of the stockholders in the manner herein above provided; and the stockholders so met shall elect a board of management, constituted as above provided, who shall hold office for one year, and until their successors in office shall be elected and qualified; and on the same day of the same month in each year, after a like notice, a board of management shall be elected. At these elections, the shares or fractional shares shall be voted for the members of said board; but in fixing the salaries of the officers, the stockholders shall each have but one vote; voting may be by proxy in writing.

May acquire right of way, materials, and when tolls shall be collected.

§ 8. This company shall have the rights to acquire lands, rights of way, toll-house lots, stone quarries, gravel pits, as the Valley Turnpike and Gravel Road Company has, and also all the rights that company has, both as to rates and the collection of tolls; but it shall collect no toll until at least two miles of its road is completed and opened for travel.

Officers to take an oath.

§ 9. The secretary and treasurer of this company shall, as every member of the board of management shall, take an oath, before entering upon his duties, to faithfully perform all duties imposed upon him, and to pay over all moneys coming to his hands as said board shall order, and to his successor;

and shall, in addition, give such bond as the board shall require, conditioned for the faithful performance of his duties, and for the payment as above of all moneys coming to his hands.

Approved February 14, 1878.

CHAPTER 178.

AN ACT to incorporate the Lawrenceburg Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. McBrayer, R. H. Frazuire, W. Waterfell, W. F. Bond, C. C. Lillard, J. H. D. McKee, L. J. Witherspoon, F. M. Robinson, W. E. Bell, J. W. Lyons, J. F. Witherspoon, E. Ottenheimer, John Colter, T. M. Griffey, F. M. Bourne, J. F. Wills, W. R. Boston, Whit. Chambers, J. H. McBrayer, J. A. McBrayer, be, and they are hereby, made a body politic and corporate in law, under the name and style of the Lawrenceburg Cemetery Company; and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation. The said company shall have power to purchase any quantity of land in the county of Anderson, not exceeding fifty acres, and receive a conveyance of the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation for any other purpose than burial lots, as hereinafter prescribed; but the said corporation may permit their superintendent or other officers to use that portion of their grounds and buildings not sold for burial lots for horticultural purposes, provided the same is used in manner not inconsistent with the reverence and respect due to the cemetery of the dead. The said grounds, fixtures, shrubbery, and every thing growing therein, shall always be subject to State revenue; shall not, after the grounds have been fully paid for, be subject to be levied on or sold by judgment, execution, or decree, for any other debt or cause whatsoever. The said company may take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclu-

Corporate name and powers.

May hold land.

May receive legacies.

sively to the ornament and improvement of said cemetery and grounds, and may vest in State stocks or loan out, any spare funds that, from time to time, they may have; but they shall never exercise, or attempt to exercise, any banking powers.

Trustees—how
appointed—their
powers & duties.

§ 2. A majority of the above named persons, or of the survivors of them, shall have full power and authority to appoint a board of seven trustees, who shall elect one of their number as chairman. The said trustees shall remain in office until their successors are qualified, and have power to fill any vacancies which may occur in their body from any cause whatever. The term for which the first board of trustees shall serve shall be limited by those who appoint them as above.

The election of
trustees.

The seven trustees shall afterwards be elected once in every four years, by a majority of the shareholders who vote, due notice of the time and place of voting being first given; and the election shall be conducted by judges appointed by the board then in office, who shall adjourn from day to day until an election is held. The trustees thus elected shall hold their office four years, and until their successors are qualified. The trustees shall have power to fill all vacancies that may occur in the board from any cause whatever. Death or removal from the county of Anderson, or resignation, shall vacate the seat of a trustee. Each person having stock to the amount of — dollars in said company shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of trustees; but no person or body-corporate shall be entitled to more than ten votes. The trustees shall keep a regular record of all of their proceedings, and shall always preserve an accurate map and survey of the ground and lots, and have the same recorded in the county court clerk's office of Anderson. Each trustee shall, before he enters upon the duties of his office, make oath, before some officer competent to administer the same, that he will faithfully discharge his duties as a trustee to the best of his ability.

Duties of trustees

Oath of trustees.

May ornament
said grounds.

§ 3. As soon as the ground is purchased and the trustees are qualified, they shall have power to lay out and ornament the same; and, from time to time, alter, repair, and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same.

They shall have power to lay off, sell, and convey burial lots, either at public or private sale; to make, from time to time, all such by-laws and regulations as may be necessary for the purposes of the corporation. They shall have the power to appoint, from time to time, such superintendents and other officers as they may think necessary, and take from them such bond as may be required. All funds that may come to the corporation from any source whatever shall be applied first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall afterwards, in all time to come, be applied to ornament and improve the grounds and defray incidental expenses.

May make by-laws.

§ 4. When a burial lot is purchased, the trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred, according to such rules and regulations as may be prescribed by the laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation. If any person shall forcibly, and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments, or inclosures, or injure any of the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action, and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Penalties for desecration.

Approved February 15, 1878.

CHAPTER 179.

AN ACT to amend an act, entitled "An act to authorize the Franklin court to issue bonds for the aid of turnpike roads, and other purposes," approved March 3, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of an act, entitled "An act to authorize the Franklin county court to issue bonds for the aid of turnpike roads, and other purposes," approved March 3d, 1876,

be, and the same is hereby, amended as follows: strike out the words "said sinking fund commissioners," which occur in the first part of said section, and insert in lieu thereof the words, "the treasurer of Franklin county;" also strike out the word "commissioners," which also appears thereafter in said section, and insert in lieu thereof the word "treasurer."

§ 2. This act shall take effect from its passage.

Approved February 15, 1878.

CHAPTER 180.

AN ACT to amend section 5 of an act, entitled "An act to amend and reduce into one the several acts relating to the Preachers' Aid Society of the Louisville Annual Conference of the Methodist Episcopal Church, South," approved March 6th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5th of an act, entitled "An act to amend and reduce into one the several acts relating to the Preachers' Aid Society of the Louisville Annual Conference of the Methodist Episcopal Church, South," approved March 6th, 1872, and numbered chapter 427 of the Acts in volume 1st, of Acts for 1871-'72, be so amended as to insert in said section, immediately after the words "interest-bearing bonds," the words "or other cash securities."

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1878.

CHAPTER 181.

AN ACT for the benefit of John Wallace, late clerk of the Boone circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the passage of this act be granted to John Wallace, late clerk of Boone county circuit court, for the collection of fee-bills, and that during the said two years he shall have power to distrain for the collection of the same: *Provided, however,* That he shall

not be relieved from the pains and penalties attached to the collection of fee-bills as provided in the General Statutes.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1878.

CHAPTER 182.

AN ACT to provide for the settlement of the bonded debt of Bath county, and that portion of Menifee county taken from Bath county.

WHEREAS, The county court of Bath county issued bonds of said county to pay the subscription of said county for stock in the Lexington and Big Sandy Railroad Company in the years 1852 and 1853, and the said county now, to provide for a settlement of said indebtedness, desire legal authority; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Bath county court shall have full power and authority to compromise, pay, or settle the bonded debt of said county, and that part of Menifee county taken from Bath county; and may, for the purpose aforesaid, and no other, issue coupon bonds of said county of Bath, bearing a rate of interest not exceeding seven per cent. per annum, payable annually or semi-annually, the bonds to be due not exceeding eight years after their date, having interest coupons attached, and payable to the present holders of the bonds of Bath county, or bearer, at the Bank of America, in the city of New York, and which bonds shall be signed by the county judge of Bath county; and the coupons shall be signed by the clerk of the Bath county court, who shall also attest the bonds, under the seal of his court.

County court
may compromise
& pay off bonded
debt.

§ 2. That the form of the bonds issued in settlement of the present bonds shall be in substance as follows : “§——. No. ———. ——— years after the date hereof the county of Bath, in the State of Kentucky, will pay to ———, or bearer, ——— dollars, for value received, at the Bank of America, in the city of New York, with interest at the rate of — per cent. per annum, for which interest coupons are hereto attached. This bond and interest coupons remaining unpaid after maturity shall bear the same rate of interest as aforesaid until paid. Witness my hand as judge of the Bath county court,

Form of bond.

LAWS OF KENTUCKY.

in the State of Kentucky, at Owingsville, this the — day of —, 1878. _____, J. B. C. C.

"[Seal.] Attest: _____, C. B. C. C."

And the form of said interest coupons shall be substantially as follows: "Bond No. —. Owingsville, Kentucky. Interest warrant No. —. Bath county, Kentucky, will pay to bearer — dollars, at the Bank of America, New York, on the — day of —, 18—.

"\$——. Witness: _____, C. B. C. C."

May levy and collect taxes for payment of bonds and coupons.

§ 3. That the county courts of Bath and Menifee counties shall levy, and cause to be collected, taxes for the payment of bonds and coupons issued under the provisions of this act, in the same manner as now required by law for the payment of the present bonds of Bath county, and the interest on the same; and the laws now in force as to the levy and collection of taxes for the payment of the present bonds of Bath county, and the interest thereon, shall apply with the same force and to the same extent to the levy and collection of taxes for the payment of any new bonds, and interest thereon, issued under the provisions of this act.

When bonds may be issued.

§ 4. That no bonds or coupons shall be issued by the county judge of Bath county and the clerk of the Bath county court, until the Bath county court shall consent thereto by an order entered of record in said court.

Menifee county court may ratify action of Bath county court.

§ 5. That the Menifee county court shall have power and authority to ratify and consent to the action of the Bath county court in the issual of new bonds and coupons under the provisions of this act, in the settlement of the bonded debt of Bath county and that part of Menifee county taken from Bath county; and when new bonds and coupons are issued in conformity to the provisions of this act, said new bonds and interest coupons shall have the same force and effect upon Bath county and that part of Menifee county taken from Bath county as the bonds and coupons originally issued; but should the Menifee county court fail to ratify and consent to the issual of such new bonds and coupons, such failure shall not affect the power and authority of the Bath county court to issue such new bonds and coupons; and in the event the Menifee county court fails to ratify and consent to the issual of new bonds and coupons by the judge and clerk of the Bath county court in settlement of said bonded

debt of Bath county as herein provided, and Bath county takes up the old bonds as provided in this act, then the Meniffee county court shall still provide for the levy and collection of taxes to pay Bath county, as the holder thereof, the pro rata part of the present bonds and coupons so taken up by Bath county, in the same manner as said Meniffee county court is now required to do by law.

§ 6. That the county court herein contemplated shall be composed of the county judge and a majority of the justices of the peace of the county.

Who to compose
county court.

§ 7. That this act shall take effect from its passage.

Approved February 15, 1878.

CHAPTER 183.

AN ACT authorizing Mrs. M. C. Ten Broeck to qualify as the guardian of her children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Mary Cornelia Ten Broeck, wife of Richard Ten Broeck, be, and she is hereby, authorized and empowered to qualify and act as guardian to her two infant children, Warren Smith Newcomb and Horatio Dalton Newcomb, and to execute the necessary guardian's bonds, with security, which shall bind her estate for the proper performance of her duties, in the same manner as if she was an unmarried woman.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1878.

CHAPTER 185.

AN ACT to repeal an act, entitled "An act to amend the charter of the Russellville District Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend the charter of the Russellville District Turnpike Company," approved February 28, 1870, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1878.

CHAPTER 186.

AN ACT to amend the charter of the Lincoln and Boyle Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said company be, and the same is hereby, so amended that the sixth section shall read thus, viz: that when two miles of said road is completed, it will be entitled to a half gate, and when the said road is completed from the Danville and Hustonville Turnpike Road to the Danville and Stanford Turnpike Road it will be entitled to a full gate; and that the toll on said road be the same as the published rates now on the Danville and Hustonville Turnpike Road.

§ 2. The seventh section of said charter is hereby amended to read as follows, viz: the provisions of the act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, from the fifth to thirty-fourth sections, inclusive, be, and the same are hereby, extended to the Lincoln and Boyle Turnpike Road Company.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved February 15, 1878.

CHAPTER 189.

AN ACT to amend an act to incorporate the Broadway Methodist Episcopal Church, South, in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to be
elected annually.

§ 1. That an act, entitled "An act to incorporate the Broadway Methodist Episcopal Church, South, of Louisville," approved March 3d, 1868, be, and the same is hereby, amended as follows, viz: that the five trustees of said corporation shall be elected annually at the fourth quarterly conference, which may be held at or for the "station" of said corporation, and shall hold their said office until their successors are duly elected. Any vacancy in said board of trustees may be filled by any quarterly conference of said "station," or by the stewards and class leaders of said corporation, should such vacancy occur more than one week before the meeting of the quarterly conference.

§ 2. The value of real estate held by said corporation, including its churches, parsonages, and other improvements thereon, together with the furniture, libraries, etc., shall not exceed in value the sum of one hundred thousand dollars, which property shall be exempt from State and municipal taxation so long as the same shall be used for church purposes.

Real estate exempt from taxation.

§ 3. The said trustees shall make a report at the fourth quarterly conference of their station, which shall contain a list of the property belonging to said corporation, with its estimated cash value.

Trustees to make a report.

§ 4. Anything in the act to which this is an amendment, which may be in conflict herewith, is hereby repealed.

§ 5. This act shall take effect from its passage.

Approved February 19, 1878.

CHAPTER 190.

AN ACT to incorporate the Maysville and Mason County Historical and Scientific Association.

WHEREAS, James Wormald, a citizen of the city of Maysville, Kentucky, has, by a deed of trust to Dr. A. K. Marshall, Wm. H. Cox, Dr. Thomas E. Pickett, R. A. Cochran, and J. G. Hickman, given a considerable amount of property and means, to be devoted by his said trustees to the establishment, promotion, and preservation of an institute in said city, uniting the advantages of a public library with those of a historical and scientific society; and it being desirable that such an institution shall be incorporated, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. K. Marshall, Wm. H. Cox, Thomas E. Pickett, Robert A. Cochran, and John G. Hickman, and their successors, are hereby declared and constituted a body-corporate, with the name and style of the Maysville and Mason County Library, Historical, and Scientific Association; and by that name and style they are hereby invested generally with all the powers, rights and privileges, incident to corporations of this character.

Corporators and corporate powers

§ 2. This corporation may receive donations of money and of property of all kinds, and may purchase property of all necessary kinds; and may hold, use, invest, and dispose of the

May receive donations and purchase property.

same in its discretion, for the purposes of establishing, promoting, and conducting such an institution, which shall be located and remain in the city of Maysville, Kentucky; and it shall have power to make all such contracts, and do all such acts, as may be necessary and useful for the purposes and objects of this institution.

Names of first
board of directors

§ 3. The said five persons, Dr. A. K. Marshall, Wm. H. Cox, Dr. Thomas E. Pickett, R. A. Cochran, and J. G. Hickman, shall, themselves, at first, be a board of directors of the institution, and shall remain so until there shall be a vacancy or vacancies; and, in case of a vacancy or vacancies, from declension to act, or from any cause whatever, those who may then compose the board of directors shall fill the same by a vote of a majority of those remaining. This shall be the rule for filling vacancies with them and their successors; but in no event shall any one be a director who is not an actual bona fide citizen of Mason county. These directors and their successors shall have the control and management of all the property and affairs and business and interests of the institution, in accordance with the powers, rights and privileges, hereby given to the body-corporate.

May make by
laws.

§ 4. The directors, by a majority vote of their whole number, may pass such by-laws and rules, not inconsistent with the laws of this Commonwealth, as may be necessary; and they may have such officers as may be necessary, to be elected by a majority vote of the whole board of five members; but in other respects they may provide for the election of their officers by their by-laws.

§ 5. This act shall take effect from and after the 1st day of March, 1878.

Approved February 19, 1878.

CHAPTER 191.

AN ACT for the benefit of Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Caldwell county, in the State of Kentucky, be, and it is hereby, authorized to issue the bonds of said county for any amount not exceeding the sum of two hundred thousand dollars, payable twenty years after

the date of such bonds, and bearing interest at the rate of seven per cent. per annum, payable semi-annually, and having coupons attached to represent such interest. The said bonds shall be signed by the presiding judge of the Caldwell county court and countersigned by the clerk of said court, and shall have the seal of said court affixed thereto; and the said coupons shall be signed by the said clerk alone. And the said bonds and coupons shall be payable at the office of the treasurer of the board of sinking fund commissioners of said county, and said office shall be kept in the town of Princeton, in said county. The county court mentioned in this section shall be composed of the presiding judge thereof and of a majority of the justices of the peace in commission in said county. Said bonds may be issued in denominations of fifty dollars, and from that sum up to not exceeding one thousand dollars. The said clerk shall keep a record of all bonds issued under this act, showing the number, amount, and date of each bond.

§ 2. That for the purpose of promptly paying the interest on said bonds as it may accrue, the said county court, held by the presiding judge thereof alone, shall, at least four months before any installment of interest shall fall due, levy a sufficient tax to pay the annual interest on such of said bonds as may be sold or disposed of according to the provisions hereof, and the cost of collecting such tax and disbursing the same, which tax shall be levied upon all the property in said county subject to taxation under the revenue law of the State, including what is or ought to be listed under the equalization law.

§ 3. That, after the lapse of five years from the issual of said bonds, and for the purpose of creating a sinking fund for the payment of the principal of said bonds at maturity, it shall be the duty of the said county court, held by the presiding judge thereof alone, to levy and cause to be collected annually, on all of the aforesaid property, a tax sufficient to create a fund to pay said bonds at maturity. And said court, to be held by said presiding judge alone, may, in its discretion, commence, before the expiration of five years, to levy and cause the last mentioned tax to be collected. Each levy for which provision is made by this act shall be based upon the assessment for State revenue purposes next preceding such levy.

missioners may at any time be removed by said county court, and new commissioners may at any time be appointed by said court in place of old commissioners, or to fill vacancies; and commissioners shall be appointed once in two years; and said commissioners shall be styled the Board of Sinking Fund Commissioners for Caldwell County. Said commissioners shall appoint one of their number treasurer of said board, who, before entering upon the duties of his office, shall execute, with good and sufficient surety, a covenant to said county to faithfully discharge the duties of his said office, and to safely keep, account for, and pay over all money, bonds, and other things that may come to his hands as such treasurer. Said covenant shall be executed before said county court, held by the judge thereof alone, and it and the sureties shall be approved by said court, and such covenant shall be renewed whenever such county court may require; and said board shall appoint one of its number secretary of said board. All money which shall be collected upon taxes levied by the county court in pursuance of the provisions hereof shall be paid to the treasurer of the said board of sinking fund commissioners; and such money shall be applied, first, to the payment of the interest that may accrue upon the bonds which shall be issued in pursuance of the provisions hereof, and then for the redemption of said bonds, and for no purpose other than those. It shall be the duty of the said board of sinking fund commissioners to take charge of all bonds which shall be issued under the provisions of this act, and under such general directions as the county court, composed of the presiding judge thereof, and of a majority of the justices of the peace in commission in said county, may prescribe, to negotiate and sell the same, or to negotiate, exchange, and substitute the same for the present outstanding bonds of said county, and to use the funds which may arise from the sale of bonds in purchasing the present outstanding bonds of said county. The said treasurer shall pay out all money which shall arise from levies made and collected under this act for the purposes for which such levies were imposed; but he shall at all times be subject to the said board of commissioners. The said board shall keep a record of its proceedings, and shall, at the October term in each year of said county court, and oftener if required, report its proceedings to said court.

§ 9. If any levy of tax be made under this act to pay interest or a judgment, and there be a surplus of such left after paying such interest or judgment, such surplus shall be used according to the direction of said board of commissioners to pay interest subsequently accruing upon bonds issued in pursuance hereof, or in creating a sinking fund for the redemption of such bonds. And the sheriff and his sureties, and the collector and his sureties, shall be liable for such surplus in the same manner they would be liable if the entire levy were required to pay the interest or judgment for which the same was made.

§ 10. If any sheriff or collector shall fail to collect and pay over, according to the requirements of this act, any money which it may be his duty under this act to collect and pay over, such sheriff and his sureties, or such collector and his sureties, shall be liable upon their covenant to said county for the amount of the tax not so collected and paid over, with interest thereon at the rate of ten per cent. per annum from the time the same ought to have been paid until paid, and ten per cent. damages thereon; and the same may be recovered by action in the name of said county in any court of competent jurisdiction.

§ 11. That, if the said treasurer shall fail to safely keep and disburse, according to the provisions of this act, any money which may come to his hands as such treasurer, or shall fail to keep and perform his covenant or to discharge his duties under this act, the county of Caldwell may, on account thereof, have and maintain, in any court of competent jurisdiction, an action at law against such treasurer and his sureties upon their covenant, and may recover in such action the damage which said county may sustain by reason of such failure.

§ 12. The sole compensation of said treasurer for receiving and disbursing money shall be one fourth of one per cent. upon the amount he may receive and disburse, and he shall not be allowed anything for stationery or office rent.

§ 13. Nothing contained in this act shall impair the obligation of the said county of Caldwell upon any bond or coupon by it heretofore issued.

§ 14. This act shall take effect from and after its passage.

Approved February 20, 1878.

missioners may at any time be removed by said county court, and new commissioners may at any time be appointed by said court in place of old commissioners, or to fill vacancies; and commissioners shall be appointed once in two years; and said commissioners shall be styled the Board of Sinking Fund Commissioners for Caldwell County. Said commissioners shall appoint one of their number treasurer of said board, who, before entering upon the duties of his office, shall execute, with good and sufficient surety, a covenant to said county to faithfully discharge the duties of his said office, and to safely keep, account for, and pay over all money, bonds, and other things that may come to his hands as such treasurer. Said covenant shall be executed before said county court, held by the judge thereof alone, and it and the sureties shall be approved by said court, and such covenant shall be renewed whenever such county court may require; and said board shall appoint one of its number secretary of said board. All money which shall be collected upon taxes levied by the county court in pursuance of the provisions hereof shall be paid to the treasurer of the said board of sinking fund commissioners; and such money shall be applied, first, to the payment of the interest that may accrue upon the bonds which shall be issued in pursuance of the provisions hereof, and then for the redemption of said bonds, and for no purpose other than those. It shall be the duty of the said board of sinking fund commissioners to take charge of all bonds which shall be issued under the provisions of this act, and under such general directions as the county court, composed of the presiding judge thereof, and of a majority of the justices of the peace in commission in said county, may prescribe, to negotiate and sell the same, or to negotiate, exchange, and substitute the same for the present outstanding bonds of said county, and to use the funds which may arise from the sale of bonds in purchasing the present outstanding bonds of said county. The said treasurer shall pay out all money which shall arise from levies made and collected under this act for the purposes for which such levies were imposed; but he shall at all times be subject to the said board of commissioners. The said board shall keep a record of its proceedings, and shall, at the October term in each year of said county court, and oftener if required, report its proceedings to said court.

§ 9. If any levy of tax be made under this act to pay interest or a judgment, and there be a surplus of such left after paying such interest or judgment, such surplus shall be used according to the direction of said board of commissioners to pay interest subsequently accruing upon bonds issued in pursuance hereof, or in creating a sinking fund for the redemption of such bonds. And the sheriff and his sureties, and the collector and his sureties, shall be liable for such surplus in the same manner they would be liable if the entire levy were required to pay the interest or judgment for which the same was made.

§ 10. If any sheriff or collector shall fail to collect and pay over, according to the requirements of this act, any money which it may be his duty under this act to collect and pay over, such sheriff and his sureties, or such collector and his sureties, shall be liable upon their covenant to said county for the amount of the tax not so collected and paid over, with interest thereon at the rate of ten per cent. per annum from the time the same ought to have been paid until paid, and ten per cent. damages thereon; and the same may be recovered by action in the name of said county in any court of competent jurisdiction.

§ 11. That, if the said treasurer shall fail to safely keep and disburse, according to the provisions of this act, any money which may come to his hands as such treasurer, or shall fail to keep and perform his covenant or to discharge his duties under this act, the county of Caldwell may, on account thereof, have and maintain, in any court of competent jurisdiction, an action at law against such treasurer and his sureties upon their covenant, and may recover in such action the damage which said county may sustain by reason of such failure.

§ 12. The sole compensation of said treasurer for receiving and disbursing money shall be one fourth of one per cent. upon the amount he may receive and disburse, and he shall not be allowed anything for stationery or office rent.

§ 13. Nothing contained in this act shall impair the obligation of the said county of Caldwell upon any bond or coupon by it heretofore issued.

§ 14. This act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 192.

AN ACT to amend the charter of the city of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Wards and their
boundaries.

§ 1. The city of Paris is divided into three wards: so much as lies on the east side of the Main street shall constitute the first ward, and so much as lies on the west side of said Main street, and east of the boundaries of ward number three, shall constitute the second ward; so much as lies west of the following described boundaries shall constitute the third ward: commencing on the west side of Cypress street, in the line between H. Croxton's heirs and Owings, running with said street to Ingels street; thence with said street to High street; thence with said street to Talbott's avenue; thence with said avenue to Cypress street; thence with said street in a direct line to Houston creek; thence up said creek to a stake on western bank of said creek, the present limits of said city of Paris.

Officers.

§ 2. The officers of the city of Paris shall be mayor, three councilmen from the first, three councilmen from the second, and one councilman from the third wards, an assessor, marshal, collector, treasurer, and clerk, and other officers which the common council may appoint in their discretion.

Councilmen—
how elected.

§ 3 The councilmen shall be elected by the qualified voters of each ward on the first Wednesday in April of each year, the election to be held at the engine-house in the city building between the hours of 8 o'clock, A. M., and 4 o'clock, P. M., and shall hold their office for one year.

Mayor—how
elected.

§ 4. The mayor shall be elected by a majority vote of the full board of councilmen. He may be chosen from the councilmen elect or from the city, to hold office for one year, and shall not be eligible for more than two successive terms.

Officers elected
by the council.

§ 5. The mayor, marshal, collector, treasurer, and clerk of the city of Paris shall be elected by the council of said city at their first meeting after their election, or as soon thereafter as possible, who shall hold their offices until the next election of councilmen, or until their successors are duly elected and qualified; they shall perform such duties as the council, by ordinance, shall require of them. Should any vacancy occur, either in the council by resignation, death, removal, or by any disqualification whatever, or should the mayor's office

become vacant by the removal from the city, by death, or by refusal to act, or by any disqualification of the mayor, or any vacancy occur in the office of clerk, collector, assessor, marshal, or treasurer, the council shall fill such vacancy by the election of some suitable person to hold for the unexpired term.

§ 6. Every male citizen over twenty-one years of age, who is sane, who shall be a legal voter under the Constitution and laws of the State, and has resided six months in the city, and sixty days next preceding the day of the election in the ward from which he offers to vote, and has either paid his poll-tax ten days before the election to said city, for the year next preceding the election at which he claims to vote, or has arrived at the age of twenty one since the last assessment of tax, shall be deemed a qualified voter for city officers.

Who is entitled to vote.

§ 7. The clerk shall issue to the person chosen mayor a certificate of election, upon the receipt of which he may qualify and enter upon the duties of his office; the county judge, or any justice of the peace of Bourbon county, is authorized to administer to him the oath of office.

Clerk to issue a certificate to person elected mayor.

§ 8. It shall be the duty of the city council to make and keep in repair all streets and alleys now in the city belonging to same, or to be hereafter established; to make all streets and alleys hereafter to be made without any expense or cost to the property-holders or lot-owners fronting along said contemplated streets or alleys.

Streets and alleys to be kept in repair.

§ 9. The council shall have power to cause the sidewalks to be curbed and paved with stone or brick, and to apportion the cost and expense thereof to the owners of lots fronting thereon, and a lien is given on the lots for the same; and such costs and expenses may be listed and collected by the city collector as other taxes, and the collector shall have authority to sell and convey the lots and parts of lots for the same, under the by-laws and ordinances of the council: *Provided*, That the owners of any lots, or parts of lots, thus sold for paving, shall have five years after date of the deed of conveyance to redeem the same, on paying the purchase money and six per centum interest per annum, and also all taxes and levies that may have subsequently accrued: *And provided*, That infants shall have one year, after arriving at full age, on like terms. After the owners of lots or parts of lots fronting on any street or alley now in the city, or to be here-

How sidewalks to be curbed and paved.

after established, shall have curbed and paved the sidewalks with stone or brick, as per order of the council, and shall have been accepted by the council, they (the owners of lots and parts of lots) shall not be required to change the grade.

Owners may
make sidewalks
at their own ex-
pense.

§ 10. The owners of lots fronting on streets on which the council may require sidewalks to be curbed and paved, shall have the right to make the same at their own costs and expense; but in all cases to be done in accordance with the orders of the council as to manner and time.

Council may
cause sidewalks
to be repaved and
repaired.

§ 11. The council may, in like manner, cause sidewalks to be repaved and repaired at the cost and expense of owners holding lots fronting thereon, with the same power to compel the payment of the cost and expense thereof, and with the same lien on the lots, and with the same power to cause said lots to be sold and conveyed to the purchaser thereof, and with like privileges of redemption to the owners of the same.

Power to borrow
money and issue
bonds.

§ 12. The mayor and council, two thirds of all elected concurring, shall have power to borrow money, and issue the bonds of the city for the same, and pledge the faith, property, and revenues of the city therefor; but no amount beyond the revenue of the current year shall be borrowed without the concurrence of a two-third majority of all the qualified voters of said city. To authorize them to borrow money, they shall issue an ordinance stating the sum proposed to be borrowed, the time for which it is to be borrowed, and the object or objects for which the money so borrowed is to be expended; and the money so borrowed shall be applied to the purpose for which it is borrowed. The mayor and council shall, before they issue an ordinance to take the vote of said city to authorize them to borrow money or to purchase any property on a note executed by the city, make provision for payment of the interest on the sum to be borrowed as it shall accrue, and to pay the debt when it shall become due; which provision so made shall be distinctly stated in the ordinance aforesaid; and the ordinance made shall be published in one or more newspapers published in the city of Paris for at least three weeks before the vote is taken. All bonds of the city for the payment of money shall be signed by the mayor, and countersigned by the treasurer. No bond of the city shall be sold for less than par, or bear a higher rate of interest than eight per cent., payable semi-annually.

§ 13. The mayor and council are hereby authorized to levy an annual tax on all the property within said city subject to taxation, in addition to that now allowed by this charter, not exceeding twenty cents on each one hundred dollars' worth thereof, for the purpose of having the streets lighted with gas.

May levy an annual tax.

§ 14. If the collector has taxes of any character due the city in his hands for collection, believes another person is indebted in money or property to the person owing the taxes, he shall deliver to the person owing the taxes, if any in the city, and to the person owing him anywhere he may be found, or cause it to be done, written notice in substance as follows: "Mr. ———: The taxes due by Mr. ——— to the city amount to the sum of \$—— cents. To that extent you are notified not to pay or deliver to him any money or property which you now are, or may hereafter be, indebted to him, and to appear before the mayor's court for the said city on the first day of its next term to show why you shall not be adjudged to pay said tax. This — day of —, 18—.

Collector empowered to serve notice on any person indebted to a party who is owing taxes.

"———, Collector City of Paris."

This notice shall be signed by the collector, and shall operate to enjoin the persons named in it from paying the amount mentioned in said notice—money, property, notes, accounts, or other thing of value owing at the time of service of the notice, or accruing thereafter, until the matter is heard by the mayor. On the hearing by the mayor, the person indebted to the person owing taxes shall be compelled to disclose, on oath, in open court, all matters of account and indebtedness, whether for money, property, or labor, owing at the date of the notice, or incurred thereafter. The mayor shall direct the person owing the taxes to pay or deliver any money, property, or other thing then, or at the time notice was served, coming to the person owing the taxes, to the collector to the extent of such taxes and costs, or to the extent of his liability, including such as have accrued after notice, though paid or discharged; and if it be property, the collector shall sell the same in the manner he is directed to sell like property when sold for taxes. If the person indebted to person owing taxes fail to attend, or fail to make disclosures, the mayor shall render judgment against them for all the taxes. The person owing the taxes shall not be discharged from liability for them until they are fully paid,

or the amount of them realized under the proceedings aforesaid.

Jurisdiction of
mayor.

§ 15. The mayor shall have concurrent original jurisdiction with justices of the peace in all civil cases in the city where, by the laws of this State, justices of the peace are or shall be authorized to hear and determine, or in any manner have power to act; and all persons aggrieved by his decisions in such cases shall have the right of appeal to the quarterly court, in the same manner that appeals from the courts of justices of the peace are regulated. All process in civil cases shall be directed to the marshal of the city, and shall be executed by himself or deputy; and he shall be entitled to receive the same fees which constables are entitled to receive for like services, and have the same power and authority within the city; and for such civil services the mayor shall be allowed to receive like fees with the justices of the peace, and collectable in like manner; and for the trial of civil cases he shall hold his courts at the court-house in Paris on the second Tuesdays of the months of January, April, July, and October of each year.

Mayor and council
may levy a
tax for support
of public city
schools.

§ 16. The mayor and council may levy an annual additional ad valorem tax, not exceeding twenty-five cents on each one hundred dollars' worth of assessed property within said city, which tax shall be collected in the same manner, and by the same officer, that other taxes are by law authorized to be collected in said city; and the fund so collected shall be kept by the treasurer of said city separate and distinct from all other funds, and shall be expended only for the support and maintenance of public city schools.

Board of education
to be elected

§ 17. That, at the next election of councilmen for the city of Paris, and each annual city election thereafter, there shall be an election by the qualified voters of said city two persons, neither of whom shall be members of the city council of Paris, and all of whom shall have the qualifications required by this act for the office of mayor; these two persons so elected shall constitute, together with the four members holding over, and be known as the board of education of the city of Paris; they shall hold office for the term of three years, or until their successors are elected and qualified: *Provided*, That at their first meeting, which shall be held on the second Monday after their election, they shall be sworn to faithfully discharge the duties of their office.

§ 18. Said board shall be a body-politic and corporate, with powers to contract and be contracted with, sue and be sued, as a natural person, and have such other corporate powers as are necessary to effectuate the object of its creation.

Board to be body-politic and corporate.

§ 19. That the city of Paris, as defined by this act, shall constitute the common school district of Paris, in the county of Bourbon; and the board of education of the city of Paris, created by this act, shall have exclusive control of the pro rata of said district from the common school fund, as well as all other funds raised by taxation within said district for school purposes; and such funds shall be paid over by the collecting officer to the treasurer of the city of Paris, to be by him held separate and distinct from all other moneys in his hands, to be disbursed only under the order of said board.

Powers of board of education.

§ 20. Said board shall have entire control of the appointment and removal of teachers, regulate discipline, course of study, examinations, and other matters pertaining to the economy of the public school in said district: *Provided*. They shall not exclude from the benefits of said school any person within said district, who is embraced by the common school law of the State, except for violations of the discipline of said school, as prescribed or approved by said board.

To control appointment and removal of teachers.

§ 21. In addition to the twenty five cents on the one hundred dollars of assessed property which the mayor and council are authorized by this act to levy and collect, they are empowered to levy and collect a tax not exceeding two dollars per capita on each voter in said city for the public school, and to be used only as the other school funds are used.

May levy a per capita tax.

§ 22. The mayor and council shall, upon their first meeting in February, or as soon thereafter as possible, proceed to elect the assessor for said city, who shall hold his office until his successor is duly appointed and qualified.

Assessor—when elected.

§ 23. All officers of the city, before they enter upon the discharge of their duties, be required to take the oath prescribed by the Constitution and laws of this State.

All officers to take an oath.

§ 24. The officers of the elections for concilmen shall return the poll-book to the board of examiners for Bourbon county, within two days next after the election; and said board shall meet at the office of the county clerk of Bourbon county as soon as said poll-books have been returned, and then compare and examine said poll-books, and give the proper certificate of election to the person receiving the highest number of

Duties of officers of elections.

votes for the respective offices; upon the issue of said certificate, the person receiving the same shall, on the first Tuesday thereafter, enter upon the duties of their respective offices.

Contested elections — how determined.

§ 25. Any citizen of Paris, who, at any election, shall have been a candidate for councilman, shall have the right to contest the election of that office; and cases of contested elections shall be heard and determined by those who compose the board in contested elections for county offices, in like manner and by the rules prescribed by law for the trial of such contests.

Ordinances or resolutions to be approved by the mayor.

§ 26. Every ordinance or resolution which has passed the board of councilmen shall be presented to the mayor; and if he approves it, he shall sign it, and then it shall be obligatory; but if he disapprove, he shall return it with his objections in writing to the council, who shall then reconsider the same, and if two thirds of the members concur in adopting it again, it shall be obligatory. The votes on the same shall be taken by ayes and nays, and recorded in the city records. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the council actually meet, if three days have intervened between the presentation to the mayor and such meeting, it shall be obligatory as if signed.

Officer interested in any contract with city to vacate his office.

§ 27. Should any of the officers of said city be directly or indirectly interested as agent or principal in any contract with said city, or as surety in any such contract, he shall thereby vacate his office.

Mayor nor councilman allowed to vote upon any measure for improvement of his own property.

§ 28. Neither the mayor nor any councilman shall have the right to vote upon any measure involving an expenditure of money for the improvement of any kind of his own property. Should either the mayor or any councilman thus procure the passage of any such measure, he shall thereby vacate his office, and the measure or contract be null and void.

May fix terms upon which taxes shall be paid.

§ 29. The mayor and council shall have power by ordinance to fix the terms upon which taxes shall be paid at the collector's office; and after a specified date to affix and enforce penalties for the failure to pay the same at said office, which penalties shall not be remitted in any case except by the vote of two thirds of the council.

Penalty for violation of by-laws or ordinances.

§ 30. All persons convicted of violating any of the by-laws or ordinances of the city of Paris, and failing to pay the fines therefor assessed against them, may be compelled to work

upon the streets, alleys, or lots within the limits of said city, or do and perform such other labor within said limits, as may be designated by the proper authority during the day, and confined in the county jail at night, until the fines as aforesaid assessed against them, and the cost of prosecution, are discharged, at the rate of fifty cents per day: *Provided*, That no person shall be compelled to work as aforesaid who offers to and does pay or secure the fines imposed.

§ 31. The mayor and council shall have power and authority to open new streets within the city limits as they now exist, or shall hereafter be extended, and to extend or widen any of the streets of said city; and if they cannot acquire the necessary land or right of way for any of said purposes, they may have it condemned by writ of *ad quod damnum* in the same manner land is condemned by law for the construction of turnpikes and plank roads.

May open new streets within city limits.

§ 32. So much of the extension of Vine street in said city, in a right line, as lies between the old city limits near the Maysville Railroad, where it crosses said street and the Winchester Turnpike, at Levi Link's corner, and so much of the old Georgetown dirt road as is within the city limits, and so much of the old Cynthiana dirt road as lies between the Paris and Riddell's Mills Turnpike and Houston creek, shall and are declared to be streets of said city; and the authorities thereof shall have the same control, power, and jurisdiction over the same as over other streets in said city.

Certain streets declared to be streets of said city.

§ 33. Lands within said city limits, used merely for agricultural purposes, shall not be subject to city taxation until the same shall be divided into and used as town lots of less than five acres. This shall not exempt from taxation for city purposes the lot on which the residence house stands, unless the inclosure embracing house, yard, and garden, contains five acres of land.

Land used for agricultural purposes not subject to city taxation.

§ 34. The mayor and council shall have power, with the concurrence of two thirds thereof, to prohibit the erection of buildings of wood, to regulate the height and size of such buildings in any part of said city whereby great danger may ensue to valuable and permanent improvements, and enforce the observance of the same by fines and penalties.

May prohibit the erection of frame buildings.

§ 35. All laws and ordinances passed by the council of the city of Paris before the passage of this act, and now in force, shall remain in full force until repealed by the council.

Laws and ordinances.

§ 36. The city of Paris shall have power to license peddlers, traveling agents, and all other non-residents who retail goods, wares, or merchandise by sample or otherwise, and prohibit those not licensed from plying their avocations within its limits.

§ 37. Said city shall not contract to pay a rate of interest exceeding eight per cent. per annum.

§ 38. Real estate sold for taxes may be redeemed under the provisions of the charter any time within five years.

§ 39. A true list of delinquent poll tax-payers shall be made out and given to the clerk, who shall furnish a certified copy of same, in alphabetical order, to the judge of the election on the day of the election, before the polls are opened.

§ 40. Section 39 of the charter of the city of Paris, approved March 13, 1871, shall apply to this and all other amendments to said charter.

§ 41. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided always*, That nothing in this act shall be construed to affect in any way the terms of office of the board of education of the city of Paris, or in any way alter or impair their powers under the act of the General Assembly creating said board, approved February 23, 1874.

§ 42. This act shall take effect and be in force from and after its passage.

Approved February 20, 1878.

CHAPTER 195.

AN ACT to incorporate the Presbyterian Mutual Assurance Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John H. Leathers, A. Davidson, R. C. Morrison, Will. L. Hickman, F. C. Wilson, Bennett H. Young, R. S. Veech, J. S. Caldwell, Daniel P. Young, H. A. Converse, W. T. Grant, Charles Mann, R. H. Kinnaird, J. C. King, Stuart Robinson, D. O. Davies, E. M. Green, J. C. Tate, W. N. Halde-
man, W. J. Wilson, J. G. Hunter, and their associates and
successors, be, and they are hereby, created a body-politic,
under the name of the Presbyterian Mutual Assurance Fund,
with power to sue and be sued, contract and be contracted

with, and shall have perpetual succession, with the right to hold all real estate or other funds necessary, in the judgment of the board of directors, for its uses and purposes, and may dispose of the same; and may make and use a common seal, renewable and changeable at pleasure; and may make such by-laws and regulations as may be deemed necessary for fully carrying out the purposes of this act of incorporation.

Corporate powers.

§ 2. The principal place of business of said corporation shall be in Louisville, Kentucky, and any ten of the incorporators named in preceding section may, in person or by proxy, upon five days' notice, published in any paper printed in Louisville, proceed to organize and elect a board of directors and other officers provided for herein.

Principal place of business to be in Louisville.

§ 3. The affairs of said corporation shall be managed by a board of directors of not less than seven (7) nor more than twenty-one (21), seven of whom shall be residents of Jefferson county, and constitute a local board, who shall manage the affairs of the corporation, and a majority of whom shall constitute a quorum. The remaining fourteen (14) shall constitute an advisory board, and may reside in any portion of the United States; they shall be chosen by the members of the corporation upon the second Monday in January of each and every year, and shall hold their offices until their successors are qualified. Vacancies in the board of directors may be filled by the board itself, and any director so elected shall hold his office until the subsequent annual meeting. The board of directors shall be members of the Presbyterian Church in the United States, popularly known as the Southern Presbyterian Church; and in case no election is held on the day named, the president, by order of the board of directors, may call a meeting for such purpose upon ten days' notice, published as provided for notice in section two. This board shall elect from their number a president, vice president, and secretary, or such other officers as they deem requisite for the management of the business of the corporation, and may, by by-laws, regulate the duties of each.

Business affairs—by whom managed.

§ 4. The object of this corporation is to create and provide a beneficiary fund for the families or relations of deceased members, or for the benefit of members in sickness; and the board of directors shall determine who shall be members, upon what terms they will be received; may reject all applications for membership, fix and determine the sums to be

Object of corporation.

paid by members either upon admission or as monthly dues, and control and invest the funds as they deem best; divide or prorate any permanent fund among the members, according to their rights and equities; may require bonds for the faithful performance of their duty from the officers chosen to manage the business, and do all other acts necessary to fully carry out the benevolent purposes of the corporation.

Members to be arranged into divisions.

§ 5. The members of the association shall be arranged as they are recorded, into divisions. No division shall exceed two thousand members, and the funds accruing from each division may be kept or divided, as the board of directors require. Members shall be persons who belong to some church or congregation of said Southern Presbyterian Church, or be recommended by two (2) members of such church or corporation.

How fund to be paid upon the death of a member.

§ 6. Upon the decease of any member of this association, the fund to which his family is entitled shall be paid as may be designated in the application for membership; this being changed by death, or otherwise impossible, it shall go—1st. To the widow and infant children; 2d. To his mother and sisters; 3d. To his father and brothers; 4th. To his grandchildren; 5th. To his legal heirs.

Fund not subject to debts of the deceased.

§ 7. The fund due deceased members shall not be subject to the claims of creditors, and shall not be reached by attachment, garnishment, or other process of law, so as to divert it from the family of such members.

Admission fee.

§ 8. There shall be an admission fee of six dollars, and such quarterly dues as may be required by the board of directors; and upon the death of a member, an assessment of one dollar or more, as may be determined to be just.

Members to be divided into classes according to ages.

§ 9. The members shall be divided into classes according to their several ages; those from eighteen (18) to thirty (30) shall constitute one class; those from thirty (30) to forty (40) another; those from forty (40) to fifty (50) another; those from fifty (50) to sixty (60) another; those from sixty (60) to seventy (70) another; and by a by-law, the board of directors shall fix the quarterly dues and assessments payable by each upon death of a member.

Duty of secretary upon death of a member.

§ 10. Upon receiving notice of the death of a member, the secretary or other officer shall send notice of same to each surviving member, and demand, within thirty days, the assessment made upon each. If any member shall fail to pay

within thirty days from the sending of this notice, he shall forfeit all rights in the association, and all claim to its benefits, and can only be reinstated by a majority vote of the board of directors and the payment of all arrearages. A notice, addressed to the member at post-office named in the application for membership, or other address subsequently entered on the books of the corporation, shall be considered a legal notice for all the purposes herein.

§ 11. New members may be admitted to any division at any time, by the board of directors, upon the terms which they deem just.

Admission of new members.

§ 12. The fund due deceased members shall be paid within sixty (60) days after legal notice of the death of such member is given to the association; and such legal notice of death shall be the written claim of the beneficiary of deceased member, giving name, age, place, and circumstance of death, accompanied by the sworn statement of the minister and undertaker officiating at the funeral of such member, that he died as set out in the claim. Unless such claim is asserted within one year from the death of a member, any right of recovery shall be forfeited. The amount paid by the association as a beneficiary fund to deceased members shall not exceed two thousand (\$2,000) dollars, and shall not be less than one dollar from every member of the division in which deceased member was registered. The living members shall be bound in law to pay all assessments made and dues; but they may withdraw from the association by giving a written notice to the secretary or chief officer of association of such intention. After giving this notice, all liability for assessments or dues shall cease and determine.

When fund due deceased member to be paid.

§ 13. The members shall in no way be liable for the debts of the corporation.

Members not liable for debts of corporation.

§ 14. This corporation shall not be subject to insurance laws of this Commonwealth, shall not be required to make any deposit or report, or pay any tax or charge required of insurance companies.

Not subject to insurance laws of this Commonwealth.

§ 15. This act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 196.

AN ACT to empower Caldwell county to create a sinking fund and to purchase its outstanding bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purpose of creating a sinking fund to enable Caldwell county, in this State, to purchase its outstanding bonds, the county court of said county, composed of the county judge alone, shall be, and he is hereby, authorized to levy, annually, an ad valorem tax of not exceeding one and one half per cent. on all the property in said county subject to taxation for State revenue purposes, including what may be or ought to be listed for taxation under the equalization law.

§ 2. The sheriff or tax collector of said county shall collect said tax, and for that purpose shall have all the rights and powers of garnishment of debt and distraint, seizure, sale and conveyance of property, that the sheriff has in collection of the State revenue; and the tax-payer shall have the same rights as to redemption of property sold; but before the sheriff or collector shall proceed to collect said tax, he shall, in the county court, execute bond to said county, with good and sufficient sureties, to be approved by the court, conditioned that he will faithfully, and within the time prescribed by this act, collect and pay over to the proper person the levy placed in his hands for collection. The sheriff shall execute said bond within twenty days after he shall have received notice of the levy, and his failure so to do shall forfeit his office; and in case of such failure on the part of the sheriff, the county court, composed of the county judge alone, shall immediately appoint a collector, who shall, within ten days after his appointment, execute bond as required of the sheriff, and shall have the same rights and powers in reference to said tax as the sheriff would have had.

§ 3. The sheriff or collector shall collect and pay over to the treasurer of the board of sinking fund commissioners one third of said tax within ninety days, one third within one hundred and fifty days, and the remainder within two hundred and fifty days after the approval of his bond, and same shall have been placed in his hands for collection; and upon his failure so to do, he and his sureties shall be liable for the amount of same not so paid, with interest thereon at rate of

ten per centum per annum from the time the same ought to have been paid until it shall be paid, and ten per cent. thereon, to be recovered by action or motion in any court of competent jurisdiction; and it shall be the duty of the board of sinking fund commissioners to promptly institute and prosecute such action or motion to enforce the said liability of sheriff or collector and his sureties. For collecting and paying over said tax the sheriff or collector shall receive the same compensation as allowed by law for collection of State revenue.

§ 4. The county court, composed of county judge, shall, at time of, or within 30 days after, making first levy under this act, appoint three resident tax-payers of said county a board of sinking fund commissioners, who shall hold their offices for two years, and until their successors shall be appointed, and shall qualify and enter on the discharge of their duties. Said court shall make a like appointment every two years, and may remove any commissioner at pleasure, and shall fill all vacancies that may occur in the board. Said board shall appoint one of their number treasurer, who shall, within thirty days after his appointment, execute bond to said county in the county court, with good and sufficient surety, to be approved by the court, conditioned that he will receive all moneys paid over to him by the sheriff or collector, and faithfully keep and promptly and properly pay out and account for the same, and will in all things well and truly discharge all his duties as such treasurer; and, for a violation of the stipulations of said bond, he and his sureties shall be liable for the amount of money or other thing not so accounted for, with interest thereon at the rate of ten per centum per annum from time of default until paid, and ten per centum damages thereon, to be recovered by action on such bond or motion in any court of competent jurisdiction. It shall be the duty of said treasurer to receive all moneys collected by the sheriff or collector under this act, and to pay out the same on purchase of bonds as may be ordered by the board; and it shall be the duty of the board to negotiate for the purchase of, and to purchase, the outstanding bonds on best terms they may be able to obtain, using the money collected on levies under this act for that purpose alone. Upon the failure of the sheriff or collector to pay over taxes levied and placed in his hands for collection, the said board shall promptly institute and prose-

cute action or motion in the proper court to enforce the liability of such sheriff and his sureties, or collector and his sureties. The board shall keep a record of their proceedings, which shall be signed by them; and they shall report to the county court at its October term their acts as such board. All bonds purchased under this act shall be destroyed.

§ 5. This act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 197.

AN ACT for the benefit of the Kenton Station Turnpike Road, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the male persons over sixteen and under fifty years of age, capable of working, living on the home farms of Charles Downing, Daviess Downing, John Marshall, John Morton, Alexander K. Marshall, and Geo. L. Forman, citizens of Mason county, living near the Kenton Station Turnpike Road, and using that road almost exclusively in traveling to and from the county seat and the markets where they trade, shall hereafter be exempt from all the duties of working or contributing to work on any of the dirt roads of said county imposed by article 1, of chapter 94, of the General Statutes of Kentucky, and from all fines and contributions of all sorts to any of said dirt roads imposed by said article, but shall hereafter perform such duties, and do such work, and pay such fines, and make such contributions on and to the Kenton Station Turnpike Road; and the president of said road is invested with all the powers and duties now held by and enjoyed by a precinct road surveyor to carry out and enforce the provisions of this act in all respects.

§ 2. The provisions of this act shall be enforced and carried out, as to all said male persons and as to all things, by the same legal proceedings as are prescribed in said article one, so far as they are applicable.

§ 3. This act shall take effect and be in force from and after the first day of April, 1878.

Approved February 20, 1878.

CHAPTER 198.

AN ACT for the benefit of Julius Hacker, late sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Hacker have the further time of eight months to make out and return his delinquent lists of revenue and county levy of Clay county for the years of 1875 and 1876: *Provided*, That nothing herein shall release the sureties of said sheriff on his bond.

§ 2. That this act take effect and be in force from its passage.

Approved February 20, 1878.

CHAPTER 199.

AN ACT to amend an act, entitled "An act to reduce into one and amend and digest the acts and amendatory acts incorporating the city of Augusta, in Bracken county," approved February the 29th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to reduce into one and amend and digest the acts and amendatory acts incorporating the city of Augusta, in Bracken county," approved February the 29th, 1876, be, and the same is hereby, amended as follows, to-wit: Add, after the words "collector and assessor," in the ninth section of said act, and seventeenth line, these words, "and fix their fees for assessing and collecting the taxable property of said city, and for collecting the same;" and strike out in the twenty-fifth line, same section, "one hundred," and insert in lieu thereof "two hundred and fifty;" strike out in same section, after the word Moore, "five hundred." Add, after the words "justice of the peace," in section twelve, and sixth line, the words, "and quarterly courts, and summons and other process from the circuit and chancery court of said county of Bracken;" and strike out, in same section, after the word tax, in the sixth line, "and shall be entitled to receive the same fees as sheriffs and commissions for collecting the county revenue." Add, after the word "county," in same section, twelve and nineteenth lines, the words "county court, circuit court, chancery court, and criminal court for said county of Bracken." Add, in section

twenty-two, after the word "marshal," in the first line, these words, "upon the recommendation of the marshal."

§ 2. That said act be amended by adding this and the following sections: That any license which may hereafter be granted by the mayor and council to hotels, taverns, and coffee-houses, with the privilege of retailing ardent spirits, vinous or malt liquors, or a mixture thereof, any or all of them, as provided in section nine of the act to which this is an amendment, shall not be granted for a longer period than that for which the board of councilmen granting the same were elected; and all license for the sale of spirituous, vinous, or malt liquors, or a mixture thereof, shall terminate with the close of the fiscal year in which they may be granted: *Provided*, That nothing in this section, or the one to which it is an amendment, shall be so construed as to take from the board of councilmen the exclusive right to license all taverns, coffee-houses, or venders of spirituous, vinous, or malt liquors by retail during their term of office. The exclusive right is hereby vested in them to grant or refuse a license, as they may think best.

§ 3. The mayor and council shall have power to annul and revoke any license granted by them for the sale of spirituous, vinous, and malt liquors at any time when it shall appear, on satisfactory proof, that the party or parties to whom they were granted has violated his or their bond (which the mayor is hereby required to take before the license shall be valid), or any of the ordinances of the city in regard to the sale of ardent spirits, or spirituous, vinous, or malt liquors: *Provided*, Said retailer or retailers under a license shall have at least three days' notice that complaint has been made against him, that he may appear and show cause, if any he has, why his license should not be revoked; and if such person or persons shall continue to sell spirituous, vinous, or malt liquors after said license shall have been revoked, he, she, or they shall be subject to all the pains and penalties denounced against those who sell without a license by the ordinances now in force, or that may hereafter be enacted.

§ 4. That it shall be the duty of the council, at the second regular meeting after their organization each year, or at an earlier day if thought necessary, to elect one of their number, by ballot, to act for and instead of the mayor in his absence from the city, or when from any cause the mayor is disquali-

fied from acting as such. The mayor *pro tem.* shall have all the powers vested in him which belong to the mayor for the time being, and may do and perform, as mayor *pro tem.*, all the acts which the mayor of the city may do under the act to which this is an amendment. The mayor and mayor *pro tem.* shall have power to convene the council, at any time when the interest of the city may require it, for the transaction of business.

§ 5. That it shall be the duty of the mayor, after the assessor shall have returned his list, to appoint three discreet, intelligent property-holders as revisors of the tax list, who shall, as soon thereafter as practicable after the tax list is placed in their hands, being first duly sworn, revise the same, and make the same uniform and equal on every description of property, and cause all the property under the charter of the city to be listed, so far as may be in their power. They may add to or take from the list as returned by the assessor, or make a new list; and it shall be the duty of said revisors to return the original tax list, with the changes they may have made. Whereupon, the mayor shall cause all persons whose lists have been increased to be summoned to appear before the mayor and council, and show cause why their lists as returned by the assessor, or as revised by the board of revisors, should not be held and regarded as the correct list.

§ 6. This act shall take effect from its passage.

Approved February 20, 1878.

CHAPTER 200.

AN ACT to incorporate the College of the Bible.

WHEREAS, Certain members of the Christian Church in Kentucky did establish, in the year 1877, in the city of Lexington, an institution of learning called the College of the Bible, having for its object the education of young men for usefulness in the church of God, and especially for usefulness in the ministry of the word; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That T. A. Crenshaw, C. K. Marshall, A. R. Milligan, R. McMichael, S. W. Crutcher, J. L. Neal, G. W. Yancy, J. B. Jones, John T. Frazier, John L. Cassell, J. C. Walden, J.

Enacting section.

B. McGinn, W. F. Patterson, W. B. Emmal, and John B. Wallace, and their successors in office, be, and are hereby, constituted a body-politic and corporate, under the name of "The Trustees of the College of the Bible," who, in their corporate capacity, may sue and be sued, plead and be impleaded, in all courts of law and equity; and may have a common seal, which they may alter or destroy at pleasure.

Election and
qualifications of
trustees.

§ 2. Said trustees shall be fifteen in number, and shall be elected annually. They shall serve until their successors are duly elected, and shall have power to fill all vacancies which occur in their number in the intervals between elections; but no person shall be eligible as a trustee, or shall at any time act as such, who is not a member in good standing of some congregation of the Christian Church.

Powers of trustees.

§ 3. Said trustees shall have power, in their corporate capacity, to hold and transfer real estate and personal property to an amount not exceeding two hundred and fifty thousand dollars; to make such by laws for the government of the college, and to adopt such measures for the management of its affairs, as they shall think proper, and as shall not be inconsistent with this act or with the laws of the State of Kentucky or those of the United States; to grant such diplomas under the seal of the corporation as shall properly set forth the attainments of the graduates of the college; to elect a president, professors, and tutors for said college, and to appoint such other officers and agents as the necessities of the institution may require.

Rights of electors

§ 4. Every solvent person who shall subscribe so much as twenty-five dollars per year to the funds of the college shall be an elector in the election of trustees held within said year; and for every twenty-five dollars per year subscribed up to one hundred dollars, he or she shall have one vote; and for every additional one hundred dollars per year, one additional vote; and all persons who shall make donations, the principal of which is not to be expended, shall be entitled to one vote for every twenty-five dollars of annual interest on said principal, calculated at the legal rate per cent in this State at the time of the election. Such votes shall be cast either in person or by proxy; and at every duly appointed election the persons who shall receive a majority of the votes cast shall be held as duly elected trustees: *Provided*, That no person shall

be entitled to a vote who shall have failed to pay all subscriptions which at that time shall be due.

§ 5. The time and place for the annual election of trustees shall be fixed in the by-laws of the institution, and it shall be the duty of the executive committee to give notice thereof, in two or more newspapers having a wide circulation in the State, at least twenty days beforehand.

Notice of elections.

§ 6. The officers of the board of trustees shall be a chairman, secretary, treasurer, and an executive committee, all of whom shall be elected annually by ballot, and they shall serve until their successors are elected.

Officers.

§ 7. The chairman and the secretary shall discharge the duties usually belonging to such officers, together with such as shall be assigned them by the board; and the secretary's books shall at all times be subject to examination by any trustee, professor, or donor.

Duties of the chairman and secretary.

§ 8. The treasurer, before entering upon his duties, shall give a bond, with security, for such a sum as the board of trustees shall fix, to be approved by the executive committee, for the faithful discharge of the same. He shall have charge of all the funds of the institution, and shall pay out no money except on an order from the executive committee, signed by its chairman. He shall present to the board of trustees, at their annual meeting, a complete and detailed report of the finances of the institution, accompanied by a certificate from the executive committee, stating that they have examined it and found it to be correct in every particular. His books shall at all times be subject to examination by any trustee, subscriber, or donor; and when his term of office expires he shall promptly deliver to his successor all books, papers, funds, and other articles of value belonging to the institution which may be in his possession. He shall be a member of the board of trustees, but not of the executive committee.

Duties of the treasurer.

§ 9. The executive committee shall consist of five trustees. They shall have general superintendence of the institution during the intervals between the meetings of the board. They shall have power to fill vacancies in their own body, and in the corps of professors and tutors until the meeting of the board. They shall audit all accounts, including the treasurer's annual report. They shall order all drafts on the treasury, and perform such other duties as shall be assigned them by the board of trustees.

The executive committee, and its duties.

§ 10. No person shall act as president, professor, or tutor in said college, or shall receive out of its funds any compensation for teaching, who is not a member in good standing of some congregation of the Christian Church.

Of the president,
professors, and
tutors.

§ 11. All lands, money, and other property which shall be given to the College of the Bible by donation, bequest, deed of gift, or otherwise, for any specific purpose connected with its work, shall be applied in strict accordance with the will of the donor or testator.

Of gifts to the
institution.

§ 12. This act shall take effect from its passage.

Approved February 19, 1878.

CHAPTER 201.

AN ACT for the benefit of John P. Barrett, late sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of John P. Barrett, late sheriff of Ohio county," approved February 14th, 1876, be, and the same is hereby, continued in force till the 1st day of March, 1880.

§ 2. This act shall be in force from and after its passage.

Approved February 19, 1878.

CHAPTER 202.

AN ACT to provide for the appointment of a suitable person to perform the duties of county judge of Fayette county, in case of the failure, refusal, or inability of the regular incumbent to perform the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the county judge of Fayette county should, from sickness or any other cause, fail, refuse, or be unable to discharge the duties of his office, any three justices of the peace in commission may issue a written call, stating in the same the reasons therefor, calling all the said justices constituting the court of claims together at the place where said court is usually held; and it shall be the duty of said justices, when so called together, if they deem it necessary and for the public good, to choose one of their own number, or other qualified person, to perform the duties of the office

of county judge until the regular incumbent is able, ready, and willing to resume the discharge of the same. A majority of all the justices shall be necessary to a choice. The person so chosen shall, during the time he acts as county judge, have all the authority and power incident to the position, and receive the fees and salary of the office.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall be in force from and after its passage.

Approved February 20, 1878.

CHAPTER 203.

AN ACT, entitled "An act to amend an act establishing a road from London, Laurel county, to Booneville, Owsley county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. D. Powell and Frank Riley, of Jackson county, and C. H. Minter and William Peters, of Owsley county, are hereby appointed commissioners, who shall act in concert in viewing and locating a way, changing a portion of the road leading from London, Laurel county, to Booneville, Owsley county, commencing at or near Mt. Gilliard church-house, Jackson county, and leading the nearest and most practical route to Samuel Ivaner's shop, in Owsley county: *Provided*, That they shall locate the way for said road so as to avoid crossing the mountain known as the Radford Hill, in Jackson county.

§ 2. That said commissioners, before acting, shall take an oath as viewers of roads are now required by law, and shall locate said road on the most practical route, with a sole view to the public good. They shall have authority to employ a competent surveyor, and have said road surveyed and marked distinctly, and report the same to their respective county courts as soon thereafter as practical.

§ 3. The said county courts, when the report of said owners has been filed, shall take such steps and proceedings as are required by law for the establishing and opening county roads.

§ 4. The commissioners shall be paid a reasonable sum for their services, to be allowed and paid by their respective

county courts. The employes for surveying said road shall be paid a reasonable fee for their service, to be pro rata by the county courts of Jackson and Owsley counties.

§ 5. This act shall be in force from its passage.

Approved February 20, 1878.

CHAPTER 204.

AN ACT to amend an act, entitled "An act to prevent stock from running at large in Campbell county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prevent stock from running at large in Campbell county," approved February the 17th, 1876, be, and the same is hereby, extended so as to embrace the Grant's Lick magisterial district, in said county, exempted by section four of said act, and said section be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

§ 3. But said act shall not go into operation until a majority of the qualified voters of said district, voting at the next August election, shall vote in favor thereof.

§ 4. The clerk of the election shall prepare two columns of the poll book, and shall ask each voter, "Are you for or against the stock law of Campbell county being extended over the Grant's Lick magisterial district?" and said clerk shall truly record the answer of each voter, and shall certify the same to the proper authorities of the county, who shall declare the result, and report the same to the county court; and the judge of said court shall cause the same to be spread upon the county order-book.

Approved February 20, 1878.

CHAPTER 206.

AN ACT relative to the Henry, Oldham, and Jefferson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Barnhill, David Bell, Lewis H. Prewitt, S. Willman, J. A. Prewitt, John Gough, and Joseph Potts, shall

at all times, with their hands or families, have free passage through the toll-gates of the Henry, Oldham, and Jefferson County Turnpike Road Company: *Provided*, That when called upon by the president of said turnpike company, they shall assist in keeping the road in repair, and the above named parties shall not be required to work any of the dirt roads of Oldham county.

§ 2. This act shall take effect from and after its passage: *Provided*, This act shall not affect that portion of said road between Beard's Station, in Oldham county, and Worthington, in Jefferson county.

Approved February 20, 1878.

CHAPTER 207.

AN ACT to incorporate the Benjamin Gratz Park, of the city of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. C. Johnson, R. R. Stone, E. D. Sayre, George Stoll, jr., Thomas Bradley, J. H. Harrison, R. B. Hamilton, T. J. Bush, H. H. Gratz, J. Q. A. Hayman, Len. C. Price, Jas. Hanna, John Allen, M. B. Gratz, Alexander Jeffrey, and B. G. Bruce, be, and are hereby, created a body corporate, for the purpose of acquiring by lease a certain square in the city of Lexington, attached to and belonging to Kentucky University, bounded by Mill street, Second, Third, and Market streets, in said city, to have and maintain it, said square of ground, as a park, to be called the Benjamin Gratz Park, and to have and hold music-stands, seats, and other property necessary for the comfort and convenience of visitors; to raise funds by subscription or otherwise, but not to exceed at any time the sum of five thousand dollars, to defray the expense of said park. That the above mentioned incorporators shall have power to fill any vacancies in their number, caused by death or otherwise, and may expel any member by a vote of a majority of all the qualified directors, for any cause which to the said majority may seem proper.

§ 2. That any five directors, including the president or treasurer, shall constitute a quorum for the transaction of ordinary business. The said incorporators and their successors shall have the power of adopting such by-laws for the

government of said park as to them may seem fit, where the same is not in conflict with the Constitution of this State or of the United States.

§ 3. That any malicious trespass upon said park, to the injury of the property or trees of said corporation, shall be deemed a misdemeanor, and punishable at the discretion of a jury, by fine not exceeding one hundred dollars, and confinement in the work-house at hard labor not exceeding six months.

§ 4. The privileges herein granted shall continue for one hundred years, unless repealed or modified by the Legislature, which reserves the right to amend or repeal the same at its pleasure.

§ 5. This act to take effect from its passage.

Approved February 20, 1878.

CHAPTER 208.

AN ACT for the benefit of D. C. Wilcox, clerk of the McCracken circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years from and after the passage of this act is granted to D. C. Wilcox, clerk of the McCracken circuit court, in which to collect his uncollected fees and fee-bills, by distraint, under the pains and penalties provided by law against the issue and collection of illegal fees.

§ 2. This act shall take effect from its passage.

Approved February 20, 1878.

CHAPTER 209.

AN ACT for the benefit of Perry Jefferson, late sheriff of Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years be, and the same is hereby, given to Perry Jefferson, late sheriff of Mason county, and his deputies, in which to collect, by distraint or otherwise, all uncollected back taxes of all kinds, and fee-bills due to said late sheriff and his deputies respectively: *Provided*, That said

sheriff shall be liable for collecting illegal fee-bills and back taxes as now prescribed by law.

§ 2. That said sheriff and his deputies shall have authority to list said fee-bills and back taxes with the constables of Mason county for collection; and said constables shall have power to collect the same in the same manner and under the same restrictions only as sheriffs now have by law, except they shall not have power to sell lands.

§ 3. This act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 210.

AN ACT to re-district the county of Bell, and fix the voting places in the districts of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act there shall be only five districts in said county, in each of which there shall be at the August election, 1878, two justices of the peace and one constable elected.

§ 2. That the place of holding the election in district No. 1 shall be at the court-house in Pineville, which district is bounded as follows, to wit: Beginning at the mouth of Kettle Island branch, on the right hand fork of Straight creek; thence a northeast course to the top of Bump Ridge, including all the persons on said branch; thence with the top of said ridge to a point opposite to Billy Hendricks' branch; thence with the dividing ridge between Billy Hendricks' branch and Camp branch, to Sims' Fork of Straight creek; thence down Sims' Fork, to the left-hand fork of Straight creek, crossing said creek to the dividing ridge between said creek and the Long branch, with said ridge to the Knox county line; thence with said line to the head of Samuel Lock's branch; thence with the dividing ridge between said branch and Greasy creek to the Greasy Creek Meeting-house; thence crossing said creek, and with the dividing ridge between said creek and Bill Goodin's branch, to the top of Pine Mountain; thence a straight line to the Cold Spring, on Big Clear creek; thence a straight line across the Fork ridge to Little Clear creek at the mouth of Evans' branch;

thence with the dividing ridge between said creek and Evans' branch to the top of Log Mountain; thence with the top of said mountain to the dividing ridge between Four-mile creek and Cannon creek; thence with the top of said ridge to the State road; thence a straight line to Big Yellow creek, just above the house of Thomas Ploff; thence a straight line to the head of Williams' branch; thence a straight line to Hance's creek, just above George Hoskins' house; thence due east to the top of the ridge between said creek and Browney's creek; thence with said ridge to the head of the Cumberland river, above Jack McGeorge's house, where he now lives; thence a straight line, including Lewis Green's, to the top of Pine Mountain; thence a straight line to the beginning.

§ 3. That the place of holding the election in district No. 2 shall be at the house where William Browning now lives, on Yellow creek, opposite to William H. Baughman's. Said district No. 2 is bounded as follows, to-wit: beginning on district No. 1, at the top of the ridge between Hances' creek and Browney's creek; thence with the dividing ridge between said creeks southward to the head of the Clear Fork of Yellow creek; thence with the top of the ridge between the Clear Fork of Yellow creek and Browney's creek to the Virginia line; thence with said line to the Tennessee line; thence with said line to the top of Brison Mountain; thence with the top of said mountain between the Clear Fork of Cumberland river and Big Yellow creek to the head of Four-mile creek, at the line of district No. 1; thence with said line to the beginning.

§ 4. That the place of holding the election in district No. 3 shall be at the house of Jonathan Parten, on Big Clear creek. Said district No. 3 is bounded as follows, to-wit: beginning on district No. 2 at the Tennessee line; thence with said line to the Whitley county line; thence with said line to the Knox county line; thence with said line to district No. 1; thence with the line of district No. 1 to the line of district No. 2; thence with the line of district No. 2 to the beginning.

§ 5. That the place of holding the election in district No. 4 shall be at the house of Elijah Baughman, sr., on the Cumberland river, at the mouth of Tom's branch. Said district No. 4 is bounded as follows, to-wit: beginning on the Virginia line at district No. 2; thence with the Virginia line to

the Harlan county line; thence with said line to the top of Pine Mountain; thence with the top of said mountain to district No. 1; thence with the line of district No. 1 to the line of district No. 2; thence with the line of district No. 2 to the beginning.

§ 6. That the place of holding the election in district No. 5 shall be at the house where James Culton formerly lived, on Sim's Fork of Straight creek. District No. 5 is bounded as follows, to-wit: beginning on the top of Pine Mountain at the Harlan county line, corner of district No. 4; thence with the Harlan county line to Clay county line; thence with said line to the Knox county line; thence with said line to the line of district No. 1, to the top of Pine Mountain; thence with the top of Pine Mountain to the beginning.

§ 7. That this act shall not be so construed to affect the rights of the present justices of the peace or constables of Bell county.

§ 8. The justices of the peace and constables elected under this act shall go into office, and their terms expire, as now provided by law.

§ 9. This act shall take effect from its passage.

Approved February 20, 1878.

CHAPTER 211.

AN ACT for the benefit of Union county, authorizing the county court of said county to refund the court-house and jail debts of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Union county court, during any regular or called term of said court, be, and he is hereby, authorized, empowered, and required to issue the bonds of Union county to any amount, not exceeding seventy-five thousand dollars, which may be necessary to provide means to pay off the bonded debt of Union county, created under an act of the Legislature approved December 20th, 1871, and also an act approved February 21st, 1874.

Authority to
issue bonds.

§ 2. That when bonds to any amount shall have been issued under the authority and requirements of this act, the said judge shall cause the same to be sold by the commissioner

To be sold by
commissioner.

heretofore appointed by the levy court of said county, or by a commissioner hereafter appointed by said levy court for that purpose, who shall hold and dispose of the funds realized from such sales in the manner directed by this act: *Provided*, That no sale of any of said bonds shall be made for less than their par value.

When bonds
shall mature.

§ 3. That the said bonds shall mature in fifteen years from the date of their issual, and bear interest at a rate not greater than seven per cent. per annum, payable semi-annually; but said bonds shall be redeemable, in whole or in part, at any time, at the pleasure of the county court, at any time after twelve months from the date of their issue, which fact shall be stated in the bond: *Provided, however*, That no bondholder shall be required to receive less than the amount of any one bond, with accrued interest thereon.

Denomination.

§ 4. The said judge shall determine the denomination of the bonds in the order made for the issual of the same, and direct therein when and where the semi-annual interest is to be paid, and also when said bonds shall be paid.

By whom to be
signed.

§ 5. That said bonds shall have interest coupons attached; and the bonds shall be signed by the presiding judge of the county court, attested by the clerk of said court, and stamped with the seal of the county. The coupons shall be signed by the clerk alone. The presiding judge shall prescribe the forms of the bonds and coupons.

How proceeds to
be applied.

§ 6. With the fund derived from the sale of the bonds issued under the provisions of this act, the commissioner shall proceed immediately to call in and redeem the present outstanding bonds of the county known as the "court-house bonds" and the "jail bonds," and shall exhibit the same to the levy court meeting next after their redemption, and the same shall be destroyed in the presence of said court: *Provided, however*, That those holding the present bonds of the court-house and jail debts shall have the privilege of exchanging their said bonds for an equal amount of the bonds issued under this act; and the said commissioner, thirty days before selling any of said bonds, shall notify said bondholders of this fact, and of the contemplated sale, and shall make the exchange as herein directed with such as so desire.

Surplus fund—
how to be used.

§ 7. That any surplus fund arising from the present court-house and jail tax of said county, or from any additional tax that may hereafter be levied to pay the court-house and jail

debts, or either of them, beyond what may be required to pay the interest of the bonds, shall be denominated a sinking fund, and applied each year to the redemption of the bonds.

§ 8. That the presiding judge of said county court shall, from time to time, by order of his court, direct the custodian of the court-house and jail fund to apply any part of the sinking fund to the redemption of the said bonds.

Sinking fund
may be applied
to redeem bonds.

§ 9. That it shall be the duty of the county court of said county, a majority of the justices in commission being present, and a majority of those present concurring, to make provision for the payment of the principal and interest of said bonds by levying and causing to be collected such taxes under existing laws as may be necessary for that purpose.

May levy tax to
pay off bonds.

§ 10. That this act shall take effect and be in force from its passage.

Approved February 20, 1878.

CHAPTER 212.

AN ACT to repeal an act, entitled "An act to provide for the levy and collection of a tax on dogs, and to protect the rights of the owners thereof in certain counties," approved March 16, 1876, so far as the same relates to Garrard and other named counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the levy and collection of a tax upon dogs, and to protect the rights of the owners thereof in certain counties," approved March 16th, 1876, be, and the same is hereby, repealed, so far as it relates to the counties of Garrard, Mason, Hancock, Shelby, Henderson, Crittenden, and Livingston.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 213.

AN ACT to amend the charter of the city of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and board of councilmen of the city of Bowling Green, a majority of all those elected concurring,

are hereby authorized to levy and collect a tax for the year 1878, and each year thereafter, for general fund purposes, upon all property listed for taxation under the laws of said city, not exceeding seventy-five cents upon each one hundred dollars' worth of said property: *Provided, however,* That the entire ad valorem tax upon said property for all city purposes shall not exceed one dollar upon each one hundred dollars' worth of said property.

§ 2. That hereafter Shanks street, in said city, shall be named and known as East Chestnut street; and Chestnut street shall be named and known as West Chestnut street.

§ 3. That the boundary of said city, as established by an act amending the charter thereof, approved February 3d, 1870, be so amended as to read as follows, to-wit: beginning at a point on Barren river, about one hundred yards below the bridge of the Louisville and Nashville Railroad, at the upper corner of the land owned by the Bowling Green Manufacturing Company, and running thence with their upper line in a westernly direction to their most southwesterly corner; thence with another line of said manufacturing company's land to the upper or westernly corner of D. B. Campbell's property; thence with the present boundary in a straight line to a stone planted near the residence of F. G. Ragland, and thence with the boundary as now established by said act approved February 3d, 1870.

§ 4. This act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 214.

AN ACT to legalize the acts of W. A. Morris, surveyor, and deputy clerk of the Robertson county court.

WHEREAS, W. A. Morris, surveyor of Robertson county, has been acting as deputy for W. M. Chandler, late clerk, and J. B. Prather, present clerk for Robertson county court, and the citizens of said county, desiring that he be authorized still to act in the capacity of surveyor and deputy clerk of the county court; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts heretofore performed by W. A. Morris, surveyor, in the capacity of deputy clerk, for W. M. Chan-

dler, late clerk, and J. B. Prather, present clerk of the Robertson county court, be, and the same are hereby declared to be, legal and binding as if done by the clerk.

§ 2. That said W. A. Morris, surveyor of Robertson county, be, and he is hereby, authorized and permitted to discharge the duties of surveyor and that of deputy clerk for the Robertson county court during the continuance of the present or any future term of his said office of surveyor.

§ 3. That this act shall take effect from and after its passage.

Approved February 20, 1878.

CHAPTER 215.

AN ACT to incorporate the Maysville Tobacco Works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William Hunt and Charles H. White, and such others as they may associate with them, are hereby created a body politic and corporate, under the name and style of the Maysville Tobacco Works; and by that name may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State; and may acquire and hold property, real, personal, or mixed, to the extent and for the purposes hereinafter provided; and may have and keep a common seal, and alter and change the same at pleasure.

Corporators.

Corporate powers.

§ 2. The capital stock of the said company shall not exceed the sum of five hundred thousand dollars, to be subscribed in shares of one hundred dollars each; and when five hundred shares shall have been subscribed, the said company may organize and commence business.

Capital stock.

§ 3. The business of said company shall be the manufacture of tobacco in any and all the forms in which tobacco is or can be manufactured, embracing particularly the manufacture of cigars, plug and fine-cut chewing tobacco, smoking tobacco, and snuff; and said company may purchase and sell leaf tobacco; and may acquire and hold all necessary real and personal property, machinery, and vehicles for the efficient prosecution of said business, and sell and dispose of the same at its pleasure.

Business of company.

§ 4. The affairs of said company shall be under the management and direction of a board of directors, consisting of

Affairs of company—by whom managed.

five stockholders, one of whom shall be chosen president. The said board of directors to be elected by the stockholders, at such time as may be agreed upon at a meeting for that purpose, of which notice must be given; each share of stock to be entitled to one vote. After the first election the directors shall be elected annually, at such times as the by-laws of the company may fix. The directors so elected shall hold their offices for one year, and until their successors are elected and qualified.

May make by-laws.

§ 5. The said board of directors shall have power to make by-laws for the government of said company, not inconsistent with the laws and Constitution of this State or of the United States. They may appoint a clerk and treasurer, and such other subordinate officers as the business of the company may require, employ workmen and agents for the sale of the products of the company, and take from any or all of such officers and employees bonds, with security, conditioned for the faithful discharge of their respective duties, and to account for all money or property of the company which may come to their hands.

Stock personal property.

§ 6. The stock of said company shall be deemed personal property, and shall be transferable on the books of the said company. The said company shall have and retain a lien upon the share or shares of stock of any stockholder for any and all indebtedness of such stockholder to the said company until said indebtedness is fully satisfied and discharged; but the stockholders shall not be individually liable for the debts of the said corporation to an extent greater than the value of their stock in said company.

May borrow money.

§ 7. The said company shall have power to borrow money in any amount not exceeding the amount of the capital stock actually paid up, for the purpose of carrying on its said business, and may mortgage its property for the security of the same, or may issue its bonds, bearing interest not exceeding eight per cent., payable at such time and place as may be determined by the board of directors; but no banking privileges are hereby granted, nor shall anything herein contained be so construed as to grant such powers.

Record of proceedings to be kept.

§ 8. The board of directors shall cause to be kept a regular record, in which shall be entered all their official proceedings; and they shall also cause to be kept, by competent clerks, books of account, in which shall be entered all the transac-

tions in the course of the business of the company; and this record and these books shall at all reasonable times be subject to the inspection of the stockholders, upon application to the directory.

§ 9. This act shall take effect and be in force from and after its passage.

Approved February 20, 1878.

CHAPTER 216.

AN ACT empowering the judge of Larue county court to submit to the voters of Hodgenville as to whether spirituous, vinous, or malt liquors shall be sold in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth," approved January 26, 1874, be, and the same is hereby, so amended as to give the presiding judge of the Larue county court the authority, upon the petition of twenty or more citizens of the town of Hodgenville, to order an election upon the same terms and in the same manner as is provided in the act to which this is an amendment; at which election the question may be submitted, within ten days after the reception of the petition, to the qualified voters of said town, the question whether spirituous, vinous, or malt liquors shall be sold by retail in said town; and the result of said election shall be spread upon the records of the Larue county court; and if a majority vote for the sale, then the trustees of said town shall have power to grant license.

§ 2. This act shall only apply to the town of Hodgenville, Larue county.

§ 3. This act shall take effect from its passage.

Approved February 20, 1878.

CHAPTER 217.

AN ACT to authorize the Louisville Insurance Company, the Franklin Insurance Company, and the Union Insurance Company, all of Louisville, to do a general fire and marine insurance business, under the name and style of the Louisville Underwriters' Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Louisville Insurance Company, the Franklin Insurance Company, and the Union Insurance Company, all of Louisville, Kentucky, to associate themselves together for the term of twenty (20) years, under the name and style of the "Louisville Underwriters," and in that name and style to sue and be sued; to plead, answer, and defend in all courts and places whatsoever; to make and use a common seal, and to alter and renew the same at pleasure; and also to ordain, establish, and execute such rules, regulations, and by-laws as may be deemed by its board of directors necessary or convenient for the government of this association and the transaction of its business, not contrary to law.

§ 2. That the president, secretary, and one stockholder of each of the three companies named in the preceding section, shall constitute and be the board of directors, and said board shall have full power and authority to manage and control all the business and affairs of this association in such manner and by means of such officers, agents, and persons as, in its judgment, are deemed proper and expedient. The said presidents and secretaries are those persons who, for the time being, are holding said offices in the said three companies, and the stockholders are those who, for the time being, are stockholders in their respective companies. Said stockholders shall be chosen by the directory of their respective companies.

§ 3. It shall be lawful for this association, under the name and style of the "Louisville Underwriters," to insure all kinds of property against loss or damage by fire, and make all kinds of fire and marine insurance on boats, freights, and on every description of property transported by land or water, upon the same terms and conditions as the said three companies now insure under their respective charters; and the capital stock, property, securities, and assets of each of the three companies named herein shall be liable and bound

for the obligations, agreements, and contracts made and entered into by this company or association.

§ 4. All process of law which shall be served or executed according to law on either of the presidents of the three companies named herein, shall be valid and binding on this association; or such process may be served as required by the general laws of this State.

§ 5. Nothing in this act shall be construed to repeal, abridge, or modify the right of either of the said three companies to continue its separate business as heretofore under their respective charters.

§ 6. Either of the said three companies shall have the right, by giving to the other two companies thirty days' notice in writing, to dissolve its connection with this association; and the company so withdrawing shall not be liable or bound for or on any obligations, agreements, or contracts made or incurred after such withdrawal; but its liability upon contracts and obligations previously made and incurred shall not be changed or affected thereby. And in case of the withdrawal of either one of the companies, the other two shall have the right to continue the association under the same name and style, and with the same privileges and powers; and if they choose so to do, they may associate with them, under this charter, any other company or companies chartered by the laws of Kentucky.

§ 7. The board of directors shall have power, by and with the consent of a majority of its members, to elect such officers as they may deem necessary, and to appoint agents in such States and localities as they may deem proper and expedient; and they may prescribe the duties and fix the compensation of all such officers and agents, and require of them, or any of them, bonds expressed in such terms and penalties, and with such sureties, as may be deemed essential and necessary.

§ 8. If any officer or agent of this association shall appropriate any of its funds to his own use, or shall willfully fail to make correct entries, or knowingly make false entries on its books, with intent to cheat or defraud the association or any person, or to conceal any improper appropriation of funds, he shall be deemed guilty of felony, and, upon conviction thereof, be confined in the penitentiary for a period of not less than two nor more than ten years.

§ 9. This association shall be exempt from paying a license or any other tax, provided each of the companies which may form this association pay respectively such license and other tax as the laws of this Commonwealth impose upon them. The Legislature reserves the right to alter or amend the charters of any and all of the insurance companies named herein, or which may become associated hereunder.

§ 10. This act shall take effect from and after its passage; but shall not be binding upon the companies named herein until it has been accepted by a majority of the stock of each of said companies.

Approved February 20, 1878.

CHAPTER 218.

AN ACT to regulate the sale and giving away of spirituous, vinous, or malt liquors in the city of Mayfield, Graves county, or within one mile of said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell or give away any spirituous, vinous, or malt liquors, or mixtures of the same, in the city of Mayfield, or within one mile of the corporate limits of said city, to any person; and any person who shall sell or give away any such liquors, or mixtures of the same, in said city, or within one mile thereof, shall, upon indictment and conviction, be fined sixty dollars; and if he continues to so sell or give away for a period of three months, he shall, upon indictment and conviction, be fined two hundred dollars.

§ 2. The provisions of this act shall not apply to any manufacturer or wholesale dealer, who, in good faith, and in the usual course of trade, shall sell by wholesale; nor to druggists, who, in good faith, shall sell such liquors for medicinal purposes, on a prescription made and signed by a regular practicing physician; but no druggist shall sell such liquors except on such prescription; and no physician shall make or sign any such prescription unless the person for whom it is made is actually sick, and such liquors are necessarily required as a medicine, which fact shall be stated in the prescription; and any physician who makes or signs, or permits his name to be signed to, any prescription for such liquors,

except as provided for in this act, shall be guilty of a violation of this act, and, upon indictment and conviction, shall be fined not less than twenty-five dollars, nor more than eighty dollars.

§ 3. No prescription shall be good for the obtaining of any such liquors more than one time, and shall be taken up and filed away by the person to whom it is presented, and may be used as evidence in trial on any indictment under this act.

§ 4. The owner or owners of such liquors sold by a clerk or agent, or given away by such clerk or agent, contrary to the provisions of this act, shall be considered guilty of a violation of this act, and shall be liable to same fine prescribed in section first of this act.

§ 5. Any person who shall falsely represent his own condition, or the condition of another person, to any physician, and thereby obtain from such physician a prescription for such liquors, shall be guilty of a violation of this act, and, upon indictment and conviction, shall be fined not less than ten nor more than fifty dollars; and if any person shall forge the name of any physician to any such prescription, he shall be fined, upon indictment and conviction, two hundred dollars, and imprisoned in the county jail not less than six months.

§ 6. All laws relating to the selling or giving away of such liquors in said city of Mayfield, or within one mile thereof, are hereby repealed; but nothing in this act shall not be construed as coming in conflict with any general law of the State.

§ 7. This act shall be in force from and after the first day of March, 1878.

Approved February 19, 1878.

CHAPTER 219.

AN ACT to amend an act, entitled "An act to incorporate the town of Wingo, in Graves county," approved March 14th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Wingo, in Graves county," be, and the same is hereby, amended as follows: that so much of section one of said act as limits the extent of said town to forty acres be, and the same is hereby, repealed, and the boundary of said town shall

be as follows: beginning at a post eight poles north of Center corner of the section 14; thence north $86^{\circ} 33''$ east 19 poles to a post; thence south 6° east $90\frac{1}{4}$ poles to a post in Mrs. Beadle's line; thence south 85° west 30 poles and 16 links to the southwest corner of St. Paul Church lot; thence north $76^{\circ} 30''$ west 150 poles to a post; thence north $5^{\circ} 10''$ east $56\frac{1}{4}$ poles to a post; thence south $86^{\circ} 30''$ east 108 poles to a post; thence north $9^{\circ} 30''$ east 72 poles to a stone on the east side of railroad; thence north 87° east 20 poles to a stone; thence south 4° east 64 poles to the beginning.

§ 2. That the trustees of the said town shall have the exclusive power to authorize and license persons to sell spirituous and other liquors, either by the drink, quart, or gallon, within the corporate limits thereof: *Provided*, That said trustees shall not impose a greater sum than five hundred dollars for the privilege of selling liquor in said town per annum.

§ 3. That all fines assessed for the violation of the laws and ordinances of said town shall belong to said town, and the same shall be collected and paid over as may be directed by ordinance.

§ 4. That this act shall be in force from and after its passage.

Approved February 19, 1878.

CHAPTER 220.

AN ACT to authorize the county of Henderson to issue bonds to pay off or fund its present bonded indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Henderson county, the presiding judge and a majority of the justices of the peace being present and concurring therein, shall have power to issue the bonds of the county to an amount not exceeding the sum of forty thousand dollars, to be due in fifteen years, but to be redeemable at the option of the county in five years from their date, in size not larger than five hundred dollars, and not less than one hundred dollars each, as they may deem proper, and to bear interest at any rate not exceeding seven per cent. per annum, payable annually or semi-annually. The presiding judge of the court shall sign the bonds, and

the clerk shall countersign them and affix the seal of the court; coupons, signed and countersigned in the same manner as said bonds for said interest, shall be attached to said bonds. The said court shall have power to designate the county treasurer, or such other person as they may choose to superintend and control the bonds, sell them under such rules as may be prescribed, receive any money obtained thereon, hold and disburse the same under the order of the court, and whenever required, make a report of his acts and doings to the court. The court shall require the treasurer, or the person so designated and appointed, to give bond, with good security, for the safe-keeping of said money, and the faithful discharge of all his duties in relation to said bonds. The presiding judge shall cause a record to be made of all bonds that may be issued under this act, showing the amount and date thereof. The said bonds shall be made payable to bearer, and at such place as the court may direct, and the proceeds thereof shall be appropriated and used only for the purpose of funding or paying off the bonds of the county, issued under authority of "An act to authorize the Henderson county court to raise money by an ad valorem tax and issuing bonds," approved February 27th, 1867, and an act amendatory thereof, approved February 6th, 1872. Any of the owners and holders of the bonds issued under said acts shall have the privilege of exchanging them for an equal amount of the bonds issued under this act; and the person appointed to dispose thereof shall notify said bondholders of their privilege, by publication in one of the newspapers published in the city of Henderson, for two successive issues; and he is authorized to make said exchange with said bondholders.

§ 2 The county court shall have the power to levy the same tax, to pay the principal and interest of the bonds issued under this act, as is authorized and provided in the said acts approved February 27th, 1867, and February 6th, 1872.

§ 3. The old bonds redeemed or paid off under the provisions of this act shall be destroyed by the county judge in the presence of the county clerk, and a record thereof shall be made in the office of the county clerk.

§ 4. This act shall take effect from its passage.

Approved February 19, 1878.

LAWS OF KENTUCKY.

CHAPTER 221.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Grangers' Mutual Benefit Society."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2, chapter 442, of the Acts of 1876, be, and the same is hereby, amended by adding the following words: "And such farmers and farmers' wives and daughters, of the ages specified in this section, as the board may hereafter determine and may be acceptable."

§ 2. This act shall take effect from and after its passage.

Approved February 19, 1878.

CHAPTER 222.

AN ACT to abolish the June term of the equity and criminal court for the county of Madison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term of the equity and criminal court for the county of Madison, held on the fourth Monday of the month of June in each year, be, and is hereby, abolished.

§ 2. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act to take effect from and after its passage.

Approved February 21, 1878.

CHAPTER 223.

AN ACT for the benefit of Meade county.

WHEREAS, Judge W. L. Brashear, former judge of the Meade county court, having failed to sign numerous orders of said court during the period he was in office,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of said orders are now legalized as if though signed, and said Brashear, as late judge, is now authorized and empowered to sign all such orders that are unsigned by him during his period of office.

§ 2. This act to take effect from the date of passage.

Approved February 21, 1878.

CHAPTER 224.

AN ACT to incorporate the United German Aid Association of the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. Thomas, Frank Henry, D. Esselman, Peter Leibold, John Bouse, John Schumann, and A. Heimerdinger, their associates and successors, be, and are hereby, created a body-politic, by the name, style, and title of the United German Aid Association of the State of Kentucky; and by such name and title shall have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, and of purchasing, holding, granting, and receiving, in its corporate name, property, real, personal, and mixed, and of instituting such subordinate branches or sections as it may see fit; said branches or sections to have the same powers as are herein provided in this section, under such rules, by-laws, and regulations as the corporation may establish.

Corporators.

Name and style.

Corporate powers.

§ 2. The object of the corporation shall be to improve the moral, mental, and social condition of the members under its jurisdiction, by associating and uniting fraternally all acceptable men of every profession, business, or occupation, and fostering benevolence.

Object of corporation.

§ 3. The said corporation shall have a common seal for the making and delivering of all legal acts and proceedings, the same to break and alter at will.

To have common seal.

§ 4. It shall be lawful for the corporation to create, hold, and disburse a beneficiary fund for the relief of members and their families of the association, its branches or sections, established by this corporation, under such regulations as may be adopted by the corporation.

May hold and disburse beneficiary fund.

§ 5. Such beneficiary fund as the corporation may deem suitable and proper may be set apart, and provided to be paid over to the families of deceased members, or their heirs, or to such persons as such deceased members may, whilst living, direct. On the death of a male member the sum of one thousand dollars (\$1,000), and on the death of a female member the sum of two hundred and fifty dollars (\$250), shall be paid to the families or heirs of said deceased member as aforesaid. The collecting, management, and disbursement of the same, as well as the persons to whom the same shall be paid on the

Fund to be controlled by by-laws.

1871, and purchased by and conveyed to the Commonwealth, was the property of S. B. Leach, one of the securities of the said W. A. Roberts, the same being all the property owned by the said Leach; and whereas, it is represented to the General Assembly, that S. B. Leach entered the service of the United States, and was killed in the battle of Rose Bud, under and with Gen. George A. Custar, of the United States Army; and whereas, said S. B. Leach left a widow and two small children in destitute circumstances, homeless and helpless; and as the said tract of land, since it has been in the possession of the Commonwealth, has been unproductive, and has yielded no revenue to the State, and has become greatly deteriorated in value, and the said widow and orphan children, by reason of poverty, have not been able to redeem any part of the same, and are now suffering for the necessities of life; now, therefore, in order to enable said widow of S. B. Leach to support herself and nurture and educate her fatherless children,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Commonwealth of Kentucky release all title and claim to the said forty-five acres three roods and ten poles of land, formerly the property of S. B. Leach, situated in Boone county, Kentucky, and more particularly described in a deed of March the 20th, 1877, executed by Thomas W. Finch, late sheriff of Boone county, to the Commonwealth aforesaid, now on file in the Auditor's office, in the city of Frankfort, and by this act vest all the title of the Commonwealth so acquired in Artimecia Leach, widow of S. B. Leach, and her two infant children, Laura Hudson Leach and Kirby Smith Leach, to be held by them, exempt from levy and sale, under any *fi. fa.* which may issue on the judgment of the Commonwealth against W. A. Roberts and his securities, or any lien or claim against same which may be asserted by virtue of said judgment.

§ 2. This act to take effect from and after its passage.

Approved February 21, 1878.

CHAPTER 228.

AN ACT to amend an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Mount Sterling," approved March 7th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 36 of section 15 of article (3) three of said act, be, and the same is hereby, repealed.

§ 2. That section 3 of article 5 of said act be amended by striking out therefrom the following words: "And the jurisdiction herein conferred shall attach without the consent of the defendant in writing or otherwise," and insert in lieu thereof the words, "provided the defendant or defendants shall consent, in writing, that the trial shall be had in said court."

§ 3. That section 4 of article 8 of said act be, and the same is hereby, repealed.

§ 4. That this act shall be in force from and after its passage.

Approved February 21, 1878.

CHAPTER 229.

AN ACT to amend the charter of the Paducah and North Ballard Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section six of the act incorporating the Paducah and North Ballard Turnpike Road Company as requires the stockholders to elect, at the annual election for officers of said company, a president, secretary, and treasurer, be, and the same is hereby, repealed; and at all future elections for officers of said company, the stockholders shall elect five directors, and said directors shall elect one of their number to the office of president of said company and of the board of directors, and said directors and president shall hold their offices for one year and until their successors are duly elected and qualified; and the president and any two of said directors shall constitute a quorum for the transaction of all the business of said corporation.

§ 2. The board of directors shall, at such times as they may designate, elect a secretary and treasurer for said board

and corporation, who shall hold their respective offices at the will of said board.

§ 3. That it shall not be lawful for any other company or corporation to open or construct any dirt, plank, gravel, or turnpike road within one mile of the main road, or any branch thereof and lateral therewith, which has been constructed or which may be constructed by the Paducah and North Ballard Turnpike Road Company, unless said road shall be so constructed within one mile of a city or town.

§ 4. This act shall take effect from and after its passage.

Approved February 21, 1878.

CHAPTER 230.

AN ACT incorporating the Pine Hill Coal Company, in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That C. Crooke, W. P. Crooke, J. R. Crooke, and W. B Smith, their associates, successors, and assigns, be, and are hereby, constituted a body-corporate, by the name and style of Pine Hill Coal Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, real and personal; to sue and be sued; to have a common seal, and to alter the same at pleasure; to engage in mining for coal, iron, and other minerals; and to build a branch railroad and tram roads from near Pine Hill Station to their mines, or works, or coal lands, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2. That said company shall have power to acquire and hold such real estate, by lease, fee-simple, or otherwise, as it may deem necessary or expedient for its business; it shall have power to locate, construct, and operate a branch railroad, tramways, plank roads, or any or either, to and from any of its mines, works, or coal lands to the Louisville and Nashville Railroad, or its Knoxville Branch, or to any point on its land connected by rail with the said Knoxville Branch Railroad; and may build bridges over the streams which these roads may cross, and may acquire for said road or roads and bridges the land, timber, and rock necessary for the loca-

tion and construction of same by agreement with the owners thereof; or if, in locating and making said road or roads, it should be necessary to pass over or through the land of others, then the president and directors of this company shall proceed as provided in sections 14 and 15 of the charter of the Louisville and Nashville Railroad, approved March 5, 1850, and the amendments to said charter, as to right of way for said road, and that said road or roads shall not exceed sixty feet in width.

§ 3. That if other parties should desire to transport coal or lumber over said branch railroad to the terminus of same, it shall be the duty of said company to receive and transport the same; and for this it shall not charge, for coal, over half a cent a bushel per mile, and for lumber, not over ten cents per one thousand feet per mile, board measure. Transportation.

§ 4. Said company may dispose of its property, or any part thereof, by sale or otherwise; may erect all buildings, fixtures, and machinery necessary for the successful prosecution of its business. May dispose of property.

§ 5. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and evidenced and transferred as may be prescribed by the by-laws of said company. Books may be opened for subscription of stock to the company by any of the corporators; but no subscription to be entered on the books of the company without the consent of a majority of the incorporators. Capital stock.

§ 6. When stock to the amount of one thousand dollars shall have been subscribed to the capital stock aforesaid, the corporation may call a meeting of the subscribers; at which meeting a president and three directors shall be elected to serve for two years; and before the expiration of their term of service the president shall give due notice, in writing, to the stockholders, of the time and place of their meeting to elect successors; and they shall severally hold their offices until their successors are elected. The said board of directors may prescribe the terms of subscription to be made, the time and manner of payment, and how and when the same may be forfeited; and they may adopt such by-laws as to collection of stock, and all other matters pertaining to the business of the company, as shall be necessary; and the said board of directors shall have the general management of all the When officers to be elected.

affairs of said company, and may exercise all the powers hereby granted to the corporation. They may borrow, or obtain by loan, such sums of money, and on such terms, as they may deem expedient, and may mortgage any or all of the property of the company to secure its payment. They shall elect or appoint a treasurer, secretary, and agents as they may think necessary, and may fix and pay their salaries. They may fill any vacancies occurring in said board between the elections, as provided above.

Each share entitled to a vote.

§ 7. Each share of stock shall entitle the holder thereof to one vote, and may be voted in person or by written proxy.

Contracts signed by the president binding on company.

§ 8. All contracts in writing signed by the president in the name of the company shall be binding on the company. The individual property of the stockholders of said company shall not be liable for the debts of said company. When five thousand dollars shall be subscribed, and such portion paid up as the directors may require, the company shall be deemed fully organized, and may proceed with its business.

§ 9. This act shall take effect from its passage.

Approved February 21, 1878.

CHAPTER 231.

AN ACT to incorporate the Bowling Green and Hadley Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

Name and style and corporate powers.

§ 1. That W. H. Taylor, W. E. Hobson, F. B. Jones, H. T. Clark, R. T. Holland, and Wm. Runner, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Bowling Green and Hadley Turnpike Company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and may have and use a common seal, and may alter or change same at pleasure.

Authority to construct a turnpike.

§ 2. The said company is hereby authorized and empowered to construct a turnpike, macadamized, or gravel road, in its discretion, from the corporate limits of the city of Bowling Green, at a point at or near where the Louisville and Nashville Railroad crosses the Bowling Green and Hadley road, to

the village of Hadley, to be located on the most practicable route between said points; and in order to raise the funds necessary to construct said road, said company shall have power to raise a sum, by the issue and sale of the capital stock, not to exceed thirty thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That books for the subscription of stock shall be opened in the city of Bowling Green, and such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commissioners, for the purpose of obtaining the capital stock of said company; they shall insert an obligation in the subscription book, as follows: We, whose names are hereunto subscribed, severally promise to pay to the Bowling Green and Hadley Turnpike Company the sum of twenty-five dollars for each share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by said company. Witness our hands this — day of —, 187—. When the sum of four thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this section and section first to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of all elections after the first election shall be fixed by the president and directors; and a majority of the board shall be competent to transact business.

Books for subscriptions to be opened.

§ 4. So soon as said company is organized by the election of a president and directors as above provided, they shall be a body politic and corporate, by the name and style above stated, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock and taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of its work or the objects of this corporation.

When organized to possess corporate powers.

President may
call meetings.

§ 5. The president of said company may call meetings of the board of directors whenever he may think proper, and on application of any two directors to him; the board of directors shall have power to elect a secretary and treasurer, and such other officers as they may think necessary, and to fill such vacancies as may occur in said board during their term of office. Said board shall require of the treasurer, before he assumes the duties of his office, a bond for the faithful and honest discharge of his duties, and to faithfully account for all moneys that may come to his hands as such treasurer, which bond and security shall be approved by the board. Said board shall keep a record of their proceedings, which shall be signed by the president; and, in the absence of the president, the board may elect a president *pro tem*. Said board shall have power to make all necessary by-laws and regulations for the government of said company, and may sue for and recover, in the name of said company, from delinquent stockholders, the amount due and unpaid upon any share or shares of stock in said company.

Elevation and
grade of road.

§ 6. The president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with stone or gravel; and may fix the rates of toll, and may change and alter the same at pleasure; but said rates shall not exceed the rates prescribed by chapter 110 of the General Statutes; and when three consecutive miles of said road shall have been completed, and examined and approved by any two justices of the peace of Warren county, who shall examine the same on application of the president of said road, a toll-gate may be erected, and toll collected, under such rules and regulations as shall be prescribed by the president and directors, and under the general law of the State. But until said road is completed for five consecutive miles, the toll collected shall be in proportion as the length of road finished bears to five miles.

Right of way.

§ 7. The president and directors of said company, and their employes, are hereby authorized to take the consent, in writing, of all persons who may consent to grant the right of way for said turnpike road, and the use of materials for building and repairing said road; and when either the right of way, or any of the materials necessary for the construction of said road, cannot be acquired by consent or purchase, said president and directors may apply to the county court of the

county in which said lands lay for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner of said land; and the jury, in assessing the damages, after giving the claimant the actual value of land taken, shall take into consideration the advantages resulting to the party or parties claiming damages, and set the same off against any damage resulting to the inside of the tract by the construction of said road; and upon the payment of the damages assessed, or the tender thereof, it shall be lawful for said company and its employes to make said road, and to dig and carry away any stone or other material necessary for the construction or repair of said road; and said company may acquire by purchase, or by writ of *ad quod damnum* as above set forth, land, not exceeding one acre, for the purpose of erecting a toll-house on said road; and said company may procure from the Warren county court the right of way over any road over which the said county has control.

§ 8. The president and directors of said company may make and declare equitable dividends of the surplus earnings of said company among the stockholders according to their respective shares, after paying the expenses of said company. Dividends.

§ 9. Certificates of stock in said company shall be signed by the president, and countersigned by the secretary, shall be deemed personal estate, and shall be transferable on the books of the company in such manner as the president and directors shall prescribe. Certificates of stock.

§ 10. The capital stock of said company shall be used in the procurement of the right of way, materials, &c., and in constructing said road, and in defraying all legitimate expenses incident to the construction of said road, and for no other purpose whatsoever; and the stockholders in said company shall only be bound to the extent of their stock in said road. How capital stock shall be used.

§ 11. This act shall take effect from and after its passage.

Approved February 21, 1878.

LAWS OF KENTUCKY.

CHAPTER 232.

AN ACT to protect birds in Christian, Campbell, and Kenton counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be unlawful for any person in the months of March, April, May, June, July, August, September, or October, in any year, to catch, kill, or in any way or manner destroy or pursue with such intent, any quail, partridge, or pheasant; and any person violating the provisions of this act shall be liable to the penalties imposed by chapter 46 of the General Statutes.

§ 2. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 233.

AN ACT to amend an act, entitled "An act to incorporate the Ludlow, West Covington, and Suspension Bridge Street Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to incorporate the Ludlow, West Covington, and Suspension Bridge Street Railway Company," approved March 7, 1876, be, and the same is hereby, extended and continued in force for the period and term of two years from and after the 7th day of March, 1878: *Provided*, That the said railway shall be built on the north side of the wagon track of the river road leading from Ludlow, through West Covington, to the city of Covington, so as to leave not less than twelve feet wide of said wagon track, on the south side of the ground occupied by said railway.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1878.

CHAPTER 234.

AN ACT to amend the charter of the Machpelah Cemetery Company, in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of directors of said Machpelah Cemetery Company shall hereafter consist of five persons, who

shall be elected or appointed by Watson Lodge, No. 32, Independent Order of Odd Fellows, out of its members in good standing in said lodge, under such regulations as it may, from time to time, adopt, and to hold their offices for two years, and until their successors are appointed or elected, subject to removal by said lodge for misconduct in office. They shall choose a president, secretary, and treasurer out of their number, each of whom shall hold their offices for two years, and until their successors have been selected, subject to removal by said board for misconduct in office. Any vacancy in said offices is to be filled by said board, and any vacancy in the board is to be filled by said lodge, in such manner as it may see proper.

§ 2. Watson Lodge, No. 32, Independent Order of Odd Fellows, having, prior to January 1st, 1855, advanced six hundred and ninety-five dollars toward the purchase of the grounds of said cemetery company, it is hereby authorized to refund to said lodge, within the next three years, said sum, with six per cent. per annum interest from January 1, 1855, till paid.

§ 3. So much of the act incorporating said cemetery company, approved February 15, 1858, and of the act amendatory thereof, approved February 16, 1872, as is inconsistent herewith, is hereby repealed.

§ 4. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 235.

AN ACT to amend an act, entitled "An act to authorize the Boyd county court to purchase the Ashland and Catlettsburg Turnpike," approved March 18, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fourth section of an act, entitled "An act to authorize the Boyd county court to purchase the Ashland and Catlettsburg Turnpike," approved March 18, 1876, be, and the same is hereby, repealed.

§ 2. That said act (except said fourth section) is hereby re-enacted, and shall be in force from and after the passage of this act.

Approved February 23, 1878.

LAWS OF KENTUCKY.

CHAPTER 236.

AN ACT for the benefit of Wm. McNutt, committee of Mary Ann Monroe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Wm. McNutt, committee for Mary Ann Monroe, an idiot, for the sum of thirty-seven dollars and fifty cents, payable out of any money in the Treasury not otherwise appropriated, for keeping said idiot from the — day of April, 1876, to the — day of October, 1876.

§ 2. That this act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 237.

AN ACT to amend and re-enact the charter of the Chattaroi Railway Company, approved March 11, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Chattaroi Railway Company," approved March 11, 1873, be, and the same is hereby, re-enacted and amended as follows, viz:

§ 2. Section sixteen of said act is hereby amended as follows, viz: Strike out figures and letters as follows (in line four), "1st, 1875," and insert "1st, 1883."

§ 3. Section eighteen (18) of said charter is hereby repealed, and in lieu thereof, said section shall be and read as follows, viz: It shall be the duty of said Chattaroi Railway Company to begin, in good faith, the construction of their road within twelve months from the date of the passage of this act, and to complete the same within two miles of the lower forks of the Big Sandy river within three years from the passage of this act; and a failure to construct said road within the time herein prescribed shall work a forfeiture of said charter, unless the Legislature shall extend the time herein given to complete said work.

§ 4. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 238.

AN ACT to amend an act to incorporate the Bryantsville and Sugar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Bryantsville and Sugar Creek Turnpike Road Company," approved March 9th, 1867, be, and the same is, amended as follows: that the hands and tenants on the farms of Jefferson Dunn, Frank Folger, J. H. Dunn, Leonard Johnson, Samuel Johnson, O. S. Williams, Thomas Stone, H. W. Dunn, J. W. Dunn, and the farm of D. F. Smith, now occupied by Colby Jenkins, be, and they are hereby, relieved from working upon any county road; and they are hereby assigned to work upon said turnpike road as provided by law in case of county roads, except that the president of said road shall act in lieu of a surveyor.

§ 2. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 239.

AN ACT to change the line between Anderson and Mercer counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Anderson and Mercer be, and the same is hereby, changed as follows, viz: beginning at the corner of Anderson and Washington counties, in the Mercer county line, near the residence of Jas. P. Sharp, and near Cheeslick creek; thence southwardly with the line between the counties of Mercer and Washington to Cheeslick creek; thence up said creek to the mouth of a small stream flowing into said creek on the southeast side, opposite J. C. Griffey's barn; thence up said small stream to a line between the lands of R. L. Rice and W. P. Cox, at the southwest corner of the lot of land which was allotted to Louella Cox, deceased, in the division of the land of T. W. Cox, deceased, now belonging to W. P. Cox; thence with the line of said lot eastwardly to a corner at the turn of a lane in a line between the lands of W. P. Cox and Mary Morris; thence with said line in the lands of J. A. Morris; thence a straight

line to the Anderson county line, at the residence of J. T. Cunningham's, so as to include him in Anderson county. And so much of the territory as is taken from the county of Mercer (lying between the proposed line and the original boundary line) by the foregoing boundary line shall be and constitute a portion of the county of Anderson; and shall be attached and constitute a portion of the Cheshire precinct, in Anderson county.

§ 2. This act to take effect from its passage.

Approved February 23, 1878.

CHAPTER 240.

AN ACT for the benefit of, and to amend the charter of, the Blue Lick Turnpike Road Company, in Bullitt county.

WHEREAS, The Blue Lick Turnpike Road Company, incorporated February 24th, 1869, undertook to build a turnpike road, which is still unfinished, and in all probability will not be completed for years, and is in such condition that the company is not allowed to collect toll on any portion of it; and whereas, said company has become indebted to some of its stockholders and other parties in such sum as it is unable to pay without a sale of its road-bed, franchises, and chartered privileges; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That any creditor or stockholder may, by petition filed in the Bullitt circuit court, subject the road-bed, franchises, and chartered privileges of the Blue Lick Turnpike Road Company to sale for any or all of its debts: *Provided, however,* That the road bed, franchises, &c., of said company shall not be sold, if the other property of the company is sufficient to pay its debts: *And provided further,* That any stockholder, who desires to do so, may appear and make himself a party and defend any such action.

§ 2. That the company are authorized to abandon all that portion of their road south of the residence of H. B. North, in Bullitt county.

§ 3. That section seven (7) be and is so amended as to permit any person, through whose lands either of the branch roads named in said section run, with the consent of the directors, to erect farm gates on said branch roads.

§ 4. That any person who shall prop open, pull down, injure, or leave open any gate erected across any such branch road, shall be liable to the same fines and penalties as provided in section seven, article two, chapter ninety-four, title "Roads and Passways," General Statutes.

§ 5. That this act shall take effect from and after its passage.

Approved February 23, 1878.

CHAPTER 241.

AN ACT to define certain portions of the county line between the counties of Morgan and Menifee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That G. B. Swango, of Wolfe county, with the necessary assistants, be, and he is hereby, appointed a commissioner to run and mark the county line between Morgan and Menifee counties, beginning on the State road, at the house of Catron, in the Indian Valley, leaving said Catron's house in Menifee county; thence from said house a straight line to the farm known as the Boone Howard farm, so as only to include in Menifee the improved or cultivated land connected with the mansion house on said farm inclosed by rail fence; thence a straight line to Licking river, opposite the mouth of the North Fork. Said Swango and his assistants shall each be sworn, before entering upon their duty aforesaid, to faithfully and impartially discharge the same; and the said commissioner Swango will make out two fair plats of said line, and return one to the county court clerk of Menifee, and one to the county clerk of Morgan; which plat shall be recorded by said clerks in the order-books of their respective courts. Said line, when run out and marked, shall be the county line between said counties.

§ 2. The commissioner herein appointed, and his assistants, shall receive for said services the same fees allowed by law for similar services, which shall be paid by the counties of Morgan and Menifee, equally divided between said counties, which shall be allowed by said county courts at their courts of claims next after the said services are rendered. The said commissioner herein appointed shall complete the duties re-

quired of him and his assistants on or before the first day of May next.

§ 3. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 242.

AN ACT to incorporate the Fork's Church, Boone's Creek, and Dick's River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and style.

Object of company.

§ 1. That a company is hereby created, under the name and style of the Fork's Church, Boone's Creek, and Dick's River Turnpike Road Company, for the purpose of making an artificial road from a point on the Lancaster and Lexington Turnpike Road, near the Fork's Church, in Garrard county, running with the dirt road at that point through the farm of R. L. Rout, following said dirt road to where it crosses Burdett's branch; thence down said branch the most practicable route to its mouth, crossing Boone's creek at or near the mouth of said branch; thence bearing west the most practicable route to the top of the cliff; thence along the top of the cliff to the Dick's River and Lancaster Turnpike Road, the most practicable route, striking said last named turnpike road between the residence of James Herring and the pond on the east side of said Herring's house.

Capital stock.

§ 2. The capital stock of said company shall be forty-five hundred dollars; the value of the shares fifty dollars each.

When subscription books to be opened.

§ 3. The books for the subscription of the stock shall be opened on the first Monday of April, 1878, at Lancaster, under the direction of James Herring, Lewis Rout, Cyrus Daly, and Robert B. Rice, as commissioners. Any two of said commissioners shall be competent to receive subscriptions to said road.

Certain sections of an act approved March 9, 1867, made part hereof.

§ 4. That sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 of an act, entitled "An act to incorporate the Bryantsville and Sugar Creek Turnpike Road Company," approved March 9th, 1867, are adopted and made part hereof; and the company hereby incorporated is to be governed, in all respects, by said act, in so far as the provisions of the same are not inconsistent herewith, except that, whenever the sum of eight hundred dollars

shall have been taken, it shall be the duty of said commissioners to advertise the same by written notices, posted up at Lancaster and at the paper-mill, calling the stockholders together at such a time and place as they may designate in said notices: *Provided*, The said road shall not charge a greater rate of toll than is now allowed by the General Statutes.

§ 5. This act shall take effect from and after its passage.

Approved February 23, 1878.

CHAPTER 243.

AN ACT to amend chapter 759, entitled "An act to incorporate the town of Rough and Ready," approved March 9, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 759, entitled "An act to incorporate the town of Rough and Ready," approved March 9th, 1854, be so amended that the words Rough and Ready, wherever occurring in said charter, be stricken out, and the word Alton be inserted instead, and likewise from all subsequent amendments, so that the name of said town henceforth will be known as Alton, instead of Rough and Ready.

§ 2. That the corporate town of Alton shall be compelled to provide for, and take care of, all paupers living within the limits of said town, and provide decent burial when they die.

§ 3. That the citizens living within the limits of the corporation of Alton shall be exempted from the payment of the poll-tax of Anderson county.

§ 4. That section 9 of same chapter be amended so as to read, "that the marshal of Alton shall have concurrent jurisdiction with the constables of Anderson county throughout the entire county."

§ 5. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 244.

AN ACT incorporating the John C. Breckinridge Monument Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Contributors to
monument made
corporators.

Corporate
powers.

§ 1. That the several persons who have contributed money or means, or who may hereafter contribute, to the erection of a monument over the grave and to the memory of General John C. Breckinridge, be, and they are hereby, created a body politic and corporate, by the name of the John C. Breckinridge Monument Association; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, and be capable of receiving and holding real and personal estate, for the purpose of erecting a monument as aforesaid.

Members exempt
from personal
liability.

§ 2. The members and directors of said association shall be exempt from personal liability, except in cases of fraud or willful neglect of duty on the part of the directors.

Directory — of
whom to consist.

§ 3. There shall be a directory for said association, to consist of a president and four directors, who shall have the sole control and management of the prudential, fiscal, and other concerns of the association; and for that purpose may make any rules or by-laws for the government of its affairs, not inconsistent with the Constitution and laws of this Commonwealth. They may adopt a corporate seal, receive money or property, and sue in the name of the association, either at law or in equity, for any moneys or property which may be subscribed for the purpose of erecting said monument; and may from time to time securely invest the means of the corporation, so as to make them profitable until they shall amount to one hundred and fifty thousand dollars, or such less sum as may, in their opinion, be sufficient to erect said monument. They shall, at least three months before they commence the erection of said monument, cause a plan of the same to be prepared, and submit it to the subscribers for their approval; and they shall also appoint a secretary and treasurer, and any other persons necessary to aid in conducting the affairs and the erection of said monument.

Duty of secretary

§ 4. It shall be the duty of the secretary to attend the sittings, and record the acts and proceedings of the board of directors in a suitable book, which shall be kept, with all

other records and papers, in the office of said directors, and be at all times open to the inspection of any subscriber or the Governor. He shall likewise record the name and place of residence of each subscriber, together with the amount of his or her subscription, and perform all other duties that may be required of him by the board.

§ 5. It shall be the duty of the treasurer to keep safely the money and other property of the association, and to pay out the same on the order of the board. Any member of the board, the same as other persons, may be appointed secretary or treasurer. Before entering upon the duties of his office, the treasurer shall execute bond to said association, with solvent surety, to be approved by the board of directors, and in the penalty of fifty thousand dollars, conditioned for the faithful discharge of the duties of his office, and the payment and delivery to the board of directors or others, when required by them, of all money, property, or other thing of the association, which may come to his hands, and which shall not have been paid out or parted with by order of the board.

Duty of treasurer

§ 6. A majority of said directory may exercise any or all of the powers hereby conferred on the board.

Powers of a majority of directory

§ 7. M. C. Johnson, James A. Grinstead, Robert S. Bullock, John R. Viley, and James B. Beck, shall constitute the board of directors of said association, and shall continue in office until their successors shall be elected as hereinafter provided; they shall elect a president from their own number, and may fill vacancies in the board from the members of the association.

Names of directors.

§ 8. A general meeting of the association may be convened in the city of Lexington at any time by the president, or an order of the board, or by any number of subscribers, whose subscriptions in the aggregate amount to five thousand dollars, which has been paid, upon giving prior notice for one month of the time and place of such meeting, by successive weekly advertisements in one of the newspapers in the city of Lexington and in the city of Louisville; and at such general meeting any or all of the board may be removed and others elected in their place, who shall remain in office until they are removed in like manner. At such meeting, each subscriber shall be entitled to one vote for every ten dollars of his subscription, which shall have been theretofore paid; said votes may be cast in person or by written proxy;

a majority of all the votes shall be necessary to carry any measure at such meeting.

Subscription
books to be
opened.

§ 9. Said directors, immediately after organization under this act, may open subscription books, and receive subscriptions to said association for the purpose hereinbefore named, not exceeding one hundred and fifty thousand dollars.

State appropriation.

§ 10. Any appropriation made by the State or other corporation, for the erection of said monument, shall be received, entered upon the subscription books of said association, and appropriated to that purpose in the manner and under the responsibilities set forth in this act.

When directory
shall erect mon-
ument.

§ 11. Said directors shall begin the erection of said monument, and let the contract therefor, when, in their opinion, it is most appropriate to do so.

§ 12. This act shall take effect from its passage.

Approved February 23, 1878.

CHAPTER 245.

AN ACT for the benefit of W. W. Stinnett, sheriff of Todd county.

WHEREAS, W. W. Stinnett, sheriff of Todd county, Kentucky, has paid into the Public Treasury the State revenue in full of Todd county for the year eighteen hundred and seventy-five; and whereas, there was in said county for said year delinquents, whose tax could not be collected, and which amount left the sheriff's commission on the same to the amount of five hundred and twenty-three dollars and sixty-seven cents net; and said sheriff having failed to return his delinquent list within the time required by law, was compelled to pay all of said revenue without being allowed any credit for said delinquents; now, therefore, for the purpose of refunding to said sheriff the amount of said delinquent lists so paid by him,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw a warrant on the State Treasurer in favor of W. W. Stinnett, for five hundred and twenty-three dollars and sixty-seven cents, being the amount of the delinquent list paid by said Stinnett as sheriff of Todd county; and the Treasurer of the State, upon the presenta-

tion of said warrant, is authorized and directed to pay the same to said Stinnett.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1878.

CHAPTER 246.

AN ACT to incorporate the Coal Road Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. E. Shawhan, J. W. Pack, T. A. Frazer, T. H. Eastin, Adam Baum, J. M. Bent, and C. W. West, their associates and successors, be, and are hereby, created a body-corporate and politic, under the name and style of the Coal Road Construction Company, for the purpose of constructing and operating the Mt. Sterling Coal Road under and in pursuance of a contract with said Mt. Sterling Coal Road Company; and by the name of the Coal Road Construction Company shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, holding, selling, leasing, and conveying real estate and personal property, mines and mining rights, and to engage in the mining and purchase of coal and lumber, and the transportation and sale of same.

§ 2. The capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation; and said capital stock may be increased by the board of directors of said company to any amount not exceeding one million of dollars.

§ 3. The affairs of said company shall be managed and controlled by a board of seven directors, to be elected by the stockholders in such time and manner as may be prescribed by by-laws of said company.

§ 4. That said company may subscribe to the capital stock of the Mt. Sterling Coal Road Company, or purchase and hold any of the stock of said company.

§ 5. Said company shall have power, from time to time, to incur such indebtedness as it may deem necessary for the successful prosecution of its business, and may issue bonds therefor, not exceeding five hundred thousand dollars, pay-

Corporators.

Name and style.

Corporate powers.

Capital stock.

Affairs of company—by whom managed.

May subscribe to Mt. Sterling coal road company.

May incur indebtedness and issue bonds.

able at such time and place as it may deem proper, bearing interest not exceeding ten per cent. per annum; and may secure the payment of such bonds by a mortgage or mortgages on all property purchased or owned by it.

§ 6. That said company is given power to make necessary and adequate by laws, not inconsistent with the Constitution and laws of this State, to successfully prosecute its business, and to execute the powers herein granted.

May make by laws.

§ 7. *Provided, however,* That nothing in this act shall prejudice the rights of the Mt. Sterling Coal Road Company or its stockholders in any way.

§ 8. This act shall be in force from its passage.

Approved February 23, 1878.

CHAPTER 247.

AN ACT authorizing the county judge of Owen county to sell and convey the title to the old jail lots, and the west half of the new jail lot, belonging to Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Owen county be, and he is hereby, authorized and empowered to sell the house and lots in the town of Owenton belonging to Owen county, and known as the old jail property, and also the west half of the lot upon which the new jail is erected, and to convey, for and on behalf of the county, the title to said property to the purchaser or purchasers thereof by deed of general warranty.

§ 2. That before offering said property for sale the county judge shall advertise the time, place, and terms of sale, by written or printed notices posted, one at the court-house door and at least five other public places in said county, or by advertisement in the Owen News, a newspaper published in said county, for at least fifteen days next preceding the day of sale; and he will take bonds of the purchaser or purchasers, with good security, for the purchase-money, payable to the treasurer of Owen county; and upon payment in full thereof, he will convey to the purchaser or purchasers thereof the title to said property by deed or deeds, containing clause of general warranty; or, upon the sale thereof, he may convey the title, retaining a lien in the deed or deeds to secure

the payment of the purchase-money. The sale of said property will be made to the highest bidder, at public auction, at the court-house door in said county, on the first day of a regular term of the county or circuit court thereof. The county judge will proscribe the terms of sale.

§ 3. This act shall take effect and be in force from its passage.

Approved February 23, 1878.

CHAPTER 248.

AN ACT for the benefit of the tax-payers of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of McCracken county is authorized to call an election, to be held at each of the voting places in said county, on a day to be fixed by the order of said court, for the purpose of electing one person in each of the justices' districts of said county, the persons thus elected to be called the financial board of McCracken county.

§ 2. The clerk of said court shall forthwith, after said order is made, make and deliver a duly certified copy thereof to the sheriff of McCracken county, whose duty it shall be to advertise said election by posting up written or printed notices thereof at each of the voting places in said county at least ten (10) days before said election; and it shall be the duty of said court to defer the time of said election sufficiently long to enable the sheriff to advertise the same as above required.

§ 3. Said election shall be held by the same officers, conducted in the same manner, and governed by the same rules, as other elections held under the laws of this State, so far as compatible with this act.

§ 4. The right of a person to vote in said election shall be tested by the same rules as in other elections held under the laws of this State; and each voter shall have the right to vote for one person residing in each of the justices or civil districts of McCracken county; but should any voter cast his vote for two or more persons who reside in the same justices' district, that vote shall not be counted so far as those persons are concerned. The same rules shall apply in regard to returning

the poll-books of said election, comparing the returns thereof, giving certificates to the persons elected, and in settling contests between two or more persons claiming to have been elected, as apply in elections of justices of the peace, so far as compatible with this act.

§ 5. It shall be the duty of the persons thus elected, within fifteen days after said election, or, in case of a contested election, within fifteen days after the decision of said contest, to appear in the county court of McCracken county, and take the several oaths required by the Constitution and laws of this State to be administered to other officers, for which purpose a call term of said court may be held at any time.

§ 6. Should any person thus elected a member of said financial board fail to appear and qualify as provided in the last section, or should there be a vacancy in said board from any cause, or should any member of said board fail to meet for the transaction of business when notified as required by this act, said court shall have the power to appoint another person as a member of said board in place of the person thus in default, or to fill said vacancy. The persons thus elected or appointed shall be voters of McCracken county, but may be appointed without regard to the civil district in which they reside.

§ 7. The members of said financial board thus elected or appointed shall continue in office until there is another election, and until the persons thus elected, or others appointed in their places, shall qualify.

§ 8. The said county court is authorized to cause other elections to be held, for the purposes aforesaid, as often as said court may deem advisable: *Provided*, Said elections shall be conducted in all respects as provided in this act, and shall not be held oftener than once in each year; and it shall be the duty of said court to order an election at any time, subject to the foregoing restrictions and limitations, upon the petition of one hundred and twenty five of the voters of McCracken county.

§ 9. Said financial board may meet at any time after they shall have qualified pursuant to this act, for the transaction of business; and it shall be their duty to meet for the transaction of business when required by said county court, after having received five days' notice of said meeting.

§ 10 Said board shall hold their meetings in the court-house or county court clerk's office of McCracken county. They shall elect one of their number chairman, who shall preside in all their meetings. The clerk of the McCracken county court shall be *ex officio* clerk of said board. They shall cause said clerk to keep a full and complete record of all their proceedings in a book to be provided by said county court for that purpose, which book shall remain in the custody of said clerk, and a record of his office. The proceedings of each meeting of said board shall be spread at large upon said record-book before the final adjournment thereof, shall be read by said clerk in the presence of said board, and shall be signed by said chairman, and countersigned by said clerk; and an attested copy of said records, or any part thereof, made out by said clerk, shall be received as evidence in like manner as copies of other records of said office.

§ 11. It shall be the duty of said financial board to decide whether a levy should be made by the county court of McCracken county, for the purpose of raising a sinking fund, to be used in the purchase of the bonds of McCracken county given to the Elizabethtown and Paducah Railroad Company, before the maturity of said bonds, and similar levies shall be made as often as said board may decide. Upon the question of laying said levy the decision of the majority of said board shall control, or, in case of a tie, the county judge of McCracken county shall give the casting vote; and upon the question of the amount of said levy, if the members of said board shall not agree, each member shall vote separately, and the average of the amounts voted for shall be taken as the amount or rate of said levy; but said board shall not have the right to levy a tax exceeding one dollar on the one hundred dollars' worth of property subject to taxation.

§ 12. Immediately after a levy shall have been thus decided upon, that fact shall be communicated to the county court of McCracken county by the clerk of said court; and it shall be the duty of said county court forthwith to levy a tax, at the rate fixed by said board, on all the real estate and personal property in McCracken county subject to taxation under the revenue laws of this State, including the amounts owned by residents of McCracken county, which ought to be given in under the equalization laws.

§ 13. Upon making said levy, said county court shall cause the sheriff of McCracken county to be notified thereof forthwith, whose duty it shall be to collect said levy; but before he shall be authorized to collect the tax thus levied, he shall execute bond, with such sureties as may be approved by said county court, conditioned that he will faithfully and promptly collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act, which may be placed in his hands for collection. Should said sheriff fail, for more than fifteen days after being notified as aforesaid, to execute said bond, he shall forfeit his office, and the county court shall appoint a collector, who shall execute bond, with such sureties, have all the powers, and be subject to all the duties and liabilities of the sheriff in collecting taxes under this act; and said county shall have a lien, from the date he begins to act, upon all the real estate of the sheriff or collector then owned or afterwards acquired by him, which shall not be discharged until he has fully accounted for all of said tax; and the obligors in the bond of said sheriff or collector, their devisees, heirs, executors, or administrators, may be made liable, by action or motion, jointly or severally, for a breach of said bond, until the whole amount of liability shall be discharged.

§ 14. Said sheriff or collector shall proceed forthwith, after having executed the bond aforesaid, to collect said tax, which shall then be considered due and payable to the sheriff or collector; and the powers, duties, and liabilities of said sheriff or collector and his sureties, and the rights and duties of the tax-payer and others, with regard to the collection of said tax, shall be governed by the provisions of section seven and sections twelve to twenty-two, inclusive, of article eight of chapter ninety-two, entitled "Revenue and Taxation," of the General Statutes; also by the provisions of sections nine, ten, and eleven of article eleven of said chapter; and said sections are hereby adopted as part of this act, so far as compatible therewith, except that for the words "by the first day of November," in section fourteen of article eight, there shall be substituted in this act the words, "within three months from the time said taxes are due;" and for the words "to purchase the same for the State," in said section, there shall in this act be substituted the words "to purchase the same for McCracken county;" and for the words "the Commonwealth," in said

sections nine and eleven of article eleven, there shall be substituted in this act the words "a party suing pursuant to this act;" and said sections nine, ten, and eleven of said article eleven, shall also (as modified above) apply to actions against the treasurer appointed pursuant to this act, and his sureties, their heirs, devisees, &c.

§ 15. If said sheriff or collector shall fail to collect and pay over the said tax to the person or persons entitled to receive the same, within the time prescribed by this act, he shall, with his sureties, their devisees, heirs, executors, or administrators, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction.

§ 16. Said tax shall be collected upon the assessment last made in the county prior to the laying of said levy. All the real estate situated in McCracken county shall be liable for said tax, and when part only of the land of any tax payer shall lie in said county, that part shall be subject to said tax. And when said sheriff or collector shall find property, either real or personal, liable for said tax, which has been omitted by the assessor, it shall be his duty to assess the same, and report said assessment to the McCracken county court, and said property shall be listed with him by said court for taxation.

§ 17. It shall be the duty of the sheriff or collector to pay to the treasurer of McCracken county one fourth of the tax thus levied within two months, one fourth part thereof within four months, and one fourth thereof within six months, the remainder thereof in eight months from the date of the approval of his bond for the collection thereof; and should he fail to do so, it shall be the duty of said treasurer to proceed against him and his sureties, their devisees, heirs, or personal representatives, by motion, as provided in this act.

§ 18. Said sheriff or collector and treasurer may be required to give new bonds; and any surety in the bonds of those officers shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties of guardians, administrators, &c.

§ 19. The money realized from taxes levied and collected under this act shall be used alone for the purchase of the principal of the said bonds given by McCracken county to the Elizabethtown and Paducah Railroad Company, coupons,

or judgments which may have been rendered upon said bonds or coupons, or which may hereafter be rendered, and the costs and expenses incident to the levies and collection thereof, and shall not be appropriated to or used for any other purpose by any character of order or proceedings whatever. After a levy shall have been made pursuant to this act, it shall be the duty of said county court to negotiate with the holders of said bonds in regard to the purchase thereof, and shall have the authority to agree with them upon the price they shall receive for their said bonds, and to prescribe rules to govern said treasurer or other agents in the purchase thereof, subject to such restrictions, as to the amount that may be paid for them, as may be fixed by said financial board.

§ 20. Said sheriff or collector and treasurer shall settle their accounts with the McCracken county court as often as required to do so by said court.

§ 21. The members of said financial board shall each receive three dollars per day for the time they may be necessarily engaged pursuant to this act, to be paid by the treasurer out of any funds in his hands collected under this act, upon the presentation of their accounts, verified by their affidavits; and other officers and persons rendering services under this act shall receive such compensation therefor as may be fixed by said board, not less than the amounts now allowed by law for similar services, to be paid in like manner out of said funds in the hands of the treasurer, by order of the county court. The term county court, as used in this act, shall be construed as referring to the court held by the presiding judge of the McCracken county court alone.

§ 22. That all moneys collected under this act shall be paid by the collector to the county treasurer of McCracken county, and shall be by him deposited in some solvent bank to the credit of said county of McCracken, and shall be paid out upon the check of said treasurer, and upon the check of no other person; and the said treasurer shall keep a full and correct record of all moneys paid to him, and of all money paid out by him, showing the purpose for which the same was paid; and the money collected under this act shall be used for no purpose whatever save and except as provided in this act, and shall not be liable to attachment or garnishment at the suit of any creditor of said county.

§ 23. That if any sheriff, collector, or treasurer shall knowingly use or misapply, or if he shall be a party, or aid or assist any person in the misapplication of any money collected under the provisions of this act, except the commission to which by law they are entitled, shall be guilty of felony, and, upon conviction, shall be confined in the penitentiary of this State not less than two nor more than ten years.

§ 24. This act shall take effect from its passage.

Approved February 26, 1878.

CHAPTER 249.

AN ACT to organize, establish, and incorporate the Cadiz High School, in the town of Cadiz, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. A. Burnett, John W. Crenshaw, J. F. Gentry, John S. Street, and F. G. Terry, be, and they are hereby, constituted a body-politic and corporate, to be known by the name of the "Trustees of the Cadiz High School;" and by that name shall have perpetual succession; may sue and be sued, in any court of law or equity; and shall be capable in law of purchasing, acquiring, and holding, to them and their successors, any lands, tenements, goods and chattels, of any kind, and money which shall be purchased, given, granted, or devised for the use of said high school; and they may sell, dispose of, and convey the same according to the by-laws which may be hereafter established by a majority of the aforesaid trustees, which by-laws they may, from time to time, establish for the good government of the school and the management of its funds and property, provided the same are consistent with the Constitution and laws of this State and of the United States.

§ 2. A majority of all the trustees shall be necessary for the election of a president, treasurer, and secretary, respectively, of said board of trustees; and also of a principal to said high school; and upon the disqualification, death, resignation, or other vacancy in the office of trustee, principal, or other officer of said high school, the board of trustees, or a majority of them, shall fill the vacancy by appointment.

§ 3. A majority of the trustees shall constitute a quorum for the transaction of business, and may decide any question,

Corporators.

Name.

Corporate powers.

Election of officers — how conducted.

Majority of trustees to constitute a quorum.

resolution, and appointment not otherwise provided in this act; and a majority must concur in any contract for the purchase or alienation of property, or as to any question of design, location, cost, &c., of the buildings to be erected under this act.

§ 4. The said trustees are hereby authorized and empowered to take, sell, and dispose of any bonds which the corporation of the town of Cadiz may hereafter issue according to law, and by its proper officers deliver to them, for the sole object and purpose of erecting or aiding in the erection of said high school building.

§ 5. The treasurer of the board of trustees shall, before any money or other thing of value comes into his hands as such, execute a bond to the board of trustees of said high school, with approved surety, for the faithful discharge of his duties as treasurer of said board of trustees, and to pay over to the proper persons all moneys which may come to his hands by virtue of his said office.

§ 6. The trustees shall have power to confer upon the pupils of said high school any or all the diplomas or degrees conferred by the best colleges in this State; and the private seal or scrolls of the president and secretary of said board of trustees may stand in lieu of a corporate seal: *Provided*, That such honors shall be conferred only on the recommendation of the principal of the school.

§ 7. Said board of trustees shall cause to be kept by its secretary a regular and correct journal of their proceedings in a well bound book, which, at all proper times, shall be open to the inspection of any member of said board or to any citizen of the town of Cadiz.

§ 8. The board of trustees of said high school shall, at the end of each scholastic year, and oftener if required by the board of trustees of the town of Cadiz, make out and report to the trustees of said town a written or printed statement, in such form as may be required by the said board of trustees of said town, showing the number of pupils in attendance, and the condition and amount of property and funds belonging to said school, and such other pertinent information as the board of trustees of said town may, from time to time, require.

§ 9. For the purpose of erecting the school building herein contemplated, the board of trustees created by this act, and

their successors, are hereby invested with all the property, money, bonds, rights, and credits of the trustees of the Trigg Male Seminary, and the Trigg Female Seminary, located in said town of Cadiz; and the board of trustees created by this act are hereby authorized and empowered to sell and convey one or both of said seminary houses and lots, so situated in the town of Cadiz, and apply the proceeds thereof, and also any money or bonds or credits now held by said Trigg Male and Female Seminary, or belonging to said seminary, and any money otherwise provided by this act, to the erection of said high school building in the town of Cadiz. The said board of trustees created by this act may sell said Trigg Male and Female Seminary houses and lots, one or both, as they shall deem proper, either publicly or privately, upon such terms as they may deem advisable, and convey to the purchaser or purchasers the title in fee-simple to the same. The board of trustees created by this act, and their successors, are also hereby invested with all the property, money, rights, and credits of the trustees of the "Curling Fund," held under the will of the late James Curling, and may dispose of same as above provided, and apply proceeds to the erection of said high school building in Cadiz.

§ 10. The board of trustees of the town of Cadiz shall, on the application of a majority of the board of trustees created by this act, issue the bonds of the town of Cadiz to an amount not exceeding five thousand dollars, at not longer date than ten years, in denominations not less than fifty dollars nor more than one thousand dollars, bearing not exceeding eight per cent. interest per annum, payable annually, and principal and interest payable at such place or places as the said board of trustees of Cadiz may direct. The bonds herein provided for shall be made payable to bearer, and shall be signed by the chairman, and attested by the clerk of the board of trustees of said town, and shall pass by delivery: *Provided*, That the said bonds shall not be issued until the question of their issual shall have been submitted, by said board of town trustees, to the resident white voters of said town of Cadiz, at an election of which at least twenty days' notice shall be given, by written or printed notices, put up at three or more conspicuous places in said town, one being the court-house door; and if a majority of the white voters voting at said election shall vote in favor of the issual of said bonds, then it shall

When trustees of town of Cadiz to issue bonds.

be the duty of said board of town trustees to issue said bonds as aforesaid.

Officers to conduct election as provided in section 10.

§ 11. The board of trustees of the town of Cadiz shall appoint two judges and a clerk, to hold the election provided for in section ten of this act, who shall be sworn as officers for holding State and county elections; and said officers so appointed shall hold said election in the court-house in the town of Cadiz, keeping open the polls from 8 o'clock, A. M., until 5 o'clock, P. M.; and the question shall be distinctly propounded to each and every voter, "Are you for or against issuing the bonds of the town of Cadiz to the amount of \$— (giving the amount sought to be voted), for the purpose of erecting a high school building in Cadiz?" and his vote shall be recorded according to his answer. No person shall vote at said election who has not been a bona fide citizen of Cadiz for at least sixty days before said election. The said officers provided for in this section shall make out and return the poll-book to the board of town trustees, who shall examine same; and if they find that a majority of the votes cast at said election were in favor of issuing the bonds of the town, they shall issue said bonds to the amount so voted, as provided in section ten of this act.

Bonds, when issued, to be delivered to trustees of school.

§ 12. The board of trustees of the town of Cadiz shall, as soon after the issual of said bonds as practicable, deliver same to the trustees of the Cadiz High School, created by this act, who are hereby authorized and directed to sell same at not less than eighty cents on the dollar, and apply the proceeds to the erection of the said Cadiz High School building; or, if a majority of said trustees deem it best and advisable, they may use said bonds in paying contractors and others to whom said board may be indebted on account of erecting said high school building, and for materials, &c., for same: *Provided*, Said bonds are not disposed of at a less price than eighty cents on the dollar.

May levy taxes to pay bonds.

§ 13. To meet the annual interest on said bonds issued as above provided, to pay all the expenses incident to the issual thereof, and to provide a sinking fund sufficient for the payment of the principal of said bonds when due, it shall be the duty of the board of trustees of said town of Cadiz, and they are hereby authorized, annually, to levy a poll-tax not exceeding two dollars on each white voter in said town, and an ad valorem tax not exceeding one dollar on the one hundred dol-

lars' worth of property in said town subject to pay town revenue, which together shall be sufficient to pay the interest on said bonds annually, and the principal at maturity, and all expenses incident to the collection of same: *Provided*, Said tax shall only be levied on property in said town of Cadiz belonging to white persons.

§ 14. The town assessor of Cadiz, or other person who may be appointed by said board of town trustees, shall make the assessment necessary for fixing and collecting said taxes herein provided for, under such rules and regulations as may be prescribed by said board of town trustees; and said taxes shall be collected by the town marshal of Cadiz at the same time and in the same manner as the town revenue is collected; and for collecting same he shall be allowed a like compensation as is now allowed him for collecting the town revenue; and he shall, with his sureties, be responsible on his official bond for the faithful discharge of his duties under this act, with such penalties as are now prescribed by law for delinquencies; and the said board of town trustees may at any time require said town marshal to give additional security on his official bond, and remove him from office on his failure to do so in a reasonable time. The tax herein provided for shall be collected in money, and kept separate from the town funds, and shall only be used in the payment of the principal and interest of the bonds issued under this act, and expenses necessarily incident thereto.

Duties of
assessor.

§ 15. The board of trustees of said town shall annually, out of the funds thus raised, pay off the whole interest on said bonds, and all expenses incurred in the collection of said fund, and then apply the balance in their hands to the payment of the principal of the said bonds; and to this end, said board of trustees may, by giving actual notice to any holder of any of said bonds, require him to present his said bond or bonds to the treasurer of said board of trustees, at his office in Cadiz, for payment, on or before a day not less than ten days from the date of the notice; and if the holder of said bond or bonds, after being thus notified, shall fail or refuse to present his said bonds for payment as required, all interest on same shall cease from and after said date.

Funds raised—
how to be applied

§ 16. The bonds herein provided for shall be issued with interest coupons attached, which shall be attested by the

Bonds to be
issued with inter-
est coupons.

clerk of the board of trustees of the town of Cadiz, be made payable to bearer, and pass by delivery.

All moneys to be paid to treasurer of board.

§ 17. The bonds provided for in this act, when delivered to the board of trustees herein created, together with all moneys, bonds, &c., herein given to said board, and all moneys which hereafter may come to said board, shall go into the keeping of the treasurer of said board, and he shall be with his sureties liable therefor on his official bond, and only pay out same on the order of the president of the board of trustees of said high school; and said president shall give no such order until same has been submitted to and approved by a majority of the said board of trustees.

Trustees of town may pay over revenue derived from coffee-house licenses.

§ 18. The board of trustees of the town of Cadiz are hereby authorized, in their discretion, annually to pay over to said board of trustees created by this act all or any part of the revenue derived by them from coffee-house license in said town for a period of five years.

When common school fund may be paid trustees.

§ 19. Whenever the board of trustees of said school shall make provision for all the children of pupil age in the Cadiz common school district to attend said high school, under the requirements of the common school law of Kentucky, then it shall be the duty of the common school commissioner of Trigg county to pay to said board of trustees all the money due the said Cadiz common school district in that year; but the said money shall only be used by the said trustees in the payment of teachers.

Fines and forfeitures—how to be applied.

§ 20. All fines and forfeitures adjudged for the period of five years hereafter by the police court, or other court held in the town of Cadiz, except that part allowed by law to the Commonwealth's and county attorneys, shall be paid by the officer collecting the same to the treasurer of the board of trustees of said high school, whose receipt shall be a sufficient voucher in all settlements required by law of him to make; and said sums of money so paid shall be used by the said board of trustees for the use and benefit of said high school.

Treasurer to keep account.

§ 21. The treasurer of the board of trustees of said high school shall, in a suitable book, keep an accurate account and statement of all money received or paid out by him on account of said board of trustees, naming in his statement or account from what source received, and to whom paid.

Who qualified to vote at elections provided for in section 10.

§ 22. Nothing in this act shall be construed to allow any other than qualified white voters of the town of Cadiz to vote

at the election provided for in sections ten and eleven of this act; nor shall any thing in this act be construed to authorize or permit the town board of trustees to levy a poll-tax on negroes, or an ad valorem tax on the property of negroes in said town, the object of this act being to found and maintain a school for the exclusive benefit of white children at the expense of white people.

§ 23. A majority of the board of trustees of said high school shall have power to fix tuition fees in said school, and to do and perform all acts necessary and expedient for the conduct and management of said institution and the promotion of its object; and the trustees by a majority may determine what amount is necessary to be raised under the provisions of this act before the building is begun.

Majority of
board to fix tui-
tion fees.

§ 24. This act shall take effect from and after its passage.

Approved February 26, 1878.

CHAPTER 250.

AN ACT authorizing the judge of the Henry county court to issue the bonds of Henry county for the payment to M. E. Jett and Thomas Mahoney for building a court-house within said county, and to provide for the levying and collecting a tax to satisfy said bonds

WHEREAS, The county court of Henry county, while in session as a court of claims, contracted with M. E. Jett and Thomas Mahoney to build a court-house for said county at a cost of about thirty thousand dollars, and by the terms of the contract the amount due at its completion was to bear eight per cent. interest until paid; and the same having been completed, or nearly so, and the court of claims having, by an order of record, asked the passage of an act authorizing the issuing of county bonds to evidence the indebtedness and secure its payment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Henry county court be, and is hereby, authorized to issue bonds, payable by and in the name of the county to the contractor or his assignees, in such sum as he may deem proper, not to exceed the amount due, the bonds to bear eight per cent. interest from date, the interest to be paid annually, and no bond to run longer than ten years from date to its maturity; the

presiding judge to sign the bonds as such, and the same to be attested by the county clerk and the county attorney; the bonds to be made payable at the National Bank of New Castle, and a copy of each bond, when issued, to be entered of record in the Henry county court, showing the amount, when due, and to whom payable; and when the bonds, or any of them, are paid, the same shall be destroyed by the county judge, and the time of payment, the amount, and to whom paid, shall also be entered of record.

§ 2. The bonds to be payable in the circulating medium of the country, and payable in the order in which they are numbered.

§ 3. The ad valorem tax for the payment of the bonds shall not exceed fifteen cents on the hundred dollars for any one year, unless a majority of all the parties shall be present and concur in increasing the tax; nor shall the tax, when collected, be applied to any other purposes.

§ 4. The sheriff of the county shall collect the tax, and shall be liable for the same on his bond for the collection of the county levy, and shall pay the same over in each year, on or before the 15th of December, to such person or persons as the county court may direct. He shall receive a commission of three per cent. on the amount collected for his services.

§ 5. If, for any cause, the sheriff shall fail or refuse to collect the tax, the county judge is then authorized to appoint a collector, whose duty it shall be to collect the tax in the same manner as the sheriff; and he shall be invested with the same rights and powers. Before entering upon the discharge of his duties, he shall give bond, with security to be approved by the court, that he will collect the tax and pay the same over within the time prescribed by law for the sheriff to perform that duty, to such person or persons as may be ordered by the court. He will receive such compensation as may be fixed on by the county court for the services rendered.

§ 6. This act to take effect from its passage.

Approved February 26, 1878.

CHAPTER 251.

AN ACT to amend and reduce into one the several acts relating to the charter of the town of Hartford, in Ohio county.

ARTICLE I.

Town Boundary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundary of the town of Hartford shall hereafter be as follows: Beginning at a point on low-water mark on Rough creek, at or near Johnson's mill, on a line with the east side of the road leading from Hartford to said Johnson's mill; thence south eighty-nine degrees east thirteen poles to a planted stone; thence south two degrees west, parallel with said road, to a point thirteen poles from the Hardinsburg road; thence parallel with said road south eighty-nine degrees east, till a line south one degree west will strike the northeast corner of lot number seventy four, as known and designated on the plat of the out-lets of said town; thence east with the original line of the four hundred-acre survey, as the same was laid off for the town of Hartford by Gabriel Madison, to the original northeast corner of the same; thence south with another line of the same to where the same strikes the line of Robert Baird's six thousand-acre survey, lying below said town; thence with Baird's line west until the lower outer line of the in-lots of said town extended will bisect or cut the same; thence with the line of said lots so extended to low water mark on Rough creek, and up Rough creek, binding on low-water mark, to the beginning.

Boundary of town.

§ 2. That for the purpose of more definitely fixing and determining said boundary, it shall be the duty of the trustees of said town to have said boundary surveyed and marked, and permanent stones or monuments placed at the corners, and such other points of said survey as they may deem proper; and to have a plan or plat of the said survey, together with such notes and illustrations of the same as they may deem advisable, recorded in the clerk's office of the Ohio county court.

Trustees to make survey of boundary.

ARTICLE II.

§ 1. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in seven trustees, five of whom shall constitute a

Trustees and their qualifications.

quorum to transact business, and all of whom shall be at least twenty five years of age, actual citizens, and bona fide housekeepers or owners of real estate in said town; and the said trustees shall hold their offices for one year, and until their successors are duly elected and qualified.

§ 2. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Hartford; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do and perform.

ARTICLE III.

Annual trustee election. § 1. That said trustees shall be elected annually hereafter on the Saturday preceding the first Monday in September, at the court-house in said town, and conducted by ballot, at which all male citizens over twenty-one years of age, and who have actually resided in said town for sixty days previous to the election, shall be entitled to vote at said regular annual trustee elections; the next election, and the first under this act, to take place on Saturday preceding the first Monday in September, 1878, until which time the present trustees shall remain in office.

Hours of election § 2. That all elections in said town shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

Trustees to take oath. § 3. That the said trustees, upon receiving a certificate of their election from the clerk of the board, and before entering upon the duties of their office, shall take an oath before some justice of the peace, or other officer qualified to administer an oath, that they will faithfully, without favor or affection, discharge the duties that may devolve upon them as trustees of said town during their continuance in office.

Vacancies —how filled. § 4. That whenever any vacancies shall occur by death, removal, resignation, or otherwise, of any of said trustees, they shall have power to fill such vacancies by appointment.

Trustees to appoint a chairman § 5. It shall be the duty of said trustees to appoint one of their own body chairman, who shall preside at all their meet-

ings; and in case of the absence of the chairman, they shall appoint a chairman *pro tempore*.

§ 6. The election for trustees shall be conducted by one or more of the acting trustees, or other citizens to be appointed by the board for that purpose; and the return of the names of the persons elected shall be made to the clerk of the board, and shall be by him recorded in their books. At least ten days' previous notice of the time and place of holding the election shall be given by advertisement, posted up in at least three of the most public places in said town of Hartford.

Elections—how held.

§ 7. Should any of the said trustees be absent from the meetings of the board for three months, the board may, by the unanimous vote of all the remaining trustees, by resolutions to that effect entered on their records, declare his seat vacated, and may then fill the vacancy caused by his removal as in other cases.

For non-attendance, seats may be vacated.

§ 8. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for trustees elective by the people shall be heard and determined by the board of trustees, under such rules as may be prescribed by the by-laws or ordinances.

Contested elections.

ARTICLE IV.

§ 1. That the legal title to all the streets and alleys in said town, and to all real, personal, and mixed estate which now does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees and their successors in office, so far as may be necessary to enable them to improve and keep the same open and in good repair.

Title to property vested in trustees

§ 2. That the trustees of said town, by purchasing the land from the owners, or by consent of said owners, shall have power to enlarge or extend any of the present streets and alleys, or lay out any new streets and alleys, anywhere in the boundary of said town; and all such enlargements, extensions, or newly-formed streets and alleys, shall vest in, and be under the same care and control of, the trustees of the town as the other streets and alleys of the same.

Power to extend street or alley.

§ 3. That the said trustees may cause the said town, and the grounds belonging to the town, to be ornamented and improved, in such manner as they may deem expedient, with trees and shrubbery, fencing, public wells and sidewalks, and the necessary protection to said ornaments and improvements; and are hereby vested with all necessary power to let out and

May ornament or improve grounds

contract for said work, and to provide for the payment of necessary expenses incurred out of the annual levy of said town.

Trustees may
sue for injury or
damages to prop-
erty.

§ 4. That the said trustees shall have full power and authority to maintain, and prosecute to judgment and execution, any action or actions of trespass, for any injury done to the property belonging to said town, the title of which is vested in said trustees; and may in like manner maintain and prosecute to judgment any other appropriate action or actions for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same; and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals.

Owners of lots to
pave in front of
them.

§ 5. That said trustees may, from time to time, by order of the board, direct and require the owners of lots or parts of lots in said town, when the same are occupied and used, in whole or in part, for county, town, or other public buildings, business houses, shops or factories, or when said lots or parts of lots are situated and lie adjacent to or between other lots or parts of lots occupied and used, in whole or in part, for county, town, or other public buildings, business houses, shops or factories, although they may be vacant, and when said county, town, or other public buildings, business houses, shops and factories, and vacant lots are situated in the business part of said town, and on the main streets and alleys of the same, and when sidewalks cannot be conveniently constructed, to cause the same to be paved in front of their lots or fraction of lots, of such width and such materials, and in such manner, and at such elevations, as the said trustees may think proper; also to repair the same in such mode and manner as they may direct in said order. If the owner or owners of said lot or lots, or fractions of lots, shall fail or refuse to have the same paved or repaired within the time and in the manner prescribed by said trustees in said order, it shall be lawful for said trustees to have the same done at their own cost and charges; and the costs and charges thus expended and incurred by said trustees, shall be estimated and charged against such person or persons, corporation or county, respectively, and may be recovered by said trustees by suit in any court of competent jurisdiction; and a lien shall exist in favor of said trustees, and may be enforced upon said lots or fractions of lots, respectively; said costs, charges, and lien

to be in proportion to the amount which the costs of the whole improvement made under said order bears to the length in front of said lots or fractions of lots, respectively, notice of such order for repairing, grading, and paving being first given, by serving the person or persons owning or occupying the same, at least two months previous, with a copy thereof, which copy, with the marshal's return thereon, that the same has been duly executed on the party or parties so owning or occupying said lot or lots or fractions of lots, may be filed by the clerk of the board of trustees, and shall be *prima facie* evidence that said order or direction was given as prescribed by this act; and the original or attested copies of the same may be used on the trial of any cause, and shall have the force and effect of other attested copies now authorized by law.

§ 6. That it shall be the duty of the board of trustees at all times to keep the streets, alleys, and lanes in said town in good order and condition; and shall have power to make, construct, or cause to be made and constructed, and kept in good condition, such drains or sewers as may in their discretion seem necessary and proper to preserve said streets, alleys, and lanes in good condition and repair.

Trustees to keep streets in order.

§ 7. That the said trustees shall have power to and shall provide for the poor within the limits of said town.

Trustees to provide for poor.

§ 8. Said board of trustees shall have power to clear the streets, alleys, sidewalks, and passways in said town of all obstruction; they shall have power to preserve, free from encumbrance, all the public grounds and improvements in said town; they shall have full power to remove, and cause to be removed and abated, any nuisance or nuisances in said town; and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or tend to diminish the comfort of the citizens or the security of their property; they shall also have power, at any meeting of said board, to appoint an inspector, whose duty it shall be to inspect the fire-places, flues, stoves, stove-pipes, grates, &c., and report upon the sufficiency or insufficiency of the same, from time to time, to said board; and upon the consideration of said report, said trustees shall have full and ample power to abate and suppress any and all such flues, &c., and may cause the same to be made secure by the owners thereof, and may absolutely abate and cause the same to be removed if, in their

Trustees to clear streets and sidewalks.

To abate nuisances.

To appoint an inspector of flues, &c.

Flues, &c., to be made secure.

Streets to be kept
clean.

judgment, it is to the interest of said town; they shall also have the power to cause the owners and occupants of property fronting on streets or alleys to keep the same in front of them clear and free from dirt or filth; and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by the board of trustees, the said trustees may have their orders executed at their own expense, and the costs and charges therein incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the board of trustees by a warrant for the same before the police judge or any justice of the peace, or by suit in Ohio circuit court.

Power to open
streets and alleys

§ 9. That said trustees shall have power to force any street or alley of said town which may be inclosed to be opened and kept opened; and after their order, a copy of which shall have been duly served upon any person who keeps inclosed any part of any street or alley, and who fails to observe the same, they may, as trustees, institute their action against any such person, and recover one dollar for each day that any part of any street or alley is kept inclosed from the day the party is notified up to the institution of the suit; and said action may be brought in any court having jurisdiction.

ARTICLE V.

Trustees to ap-
point officers.

§ 1. That the board of trustees of the town of Hartford, in addition to powers now conferred by law upon trustees of towns, shall have the power to appoint annually a clerk, assessor, treasurer, street surveyor, and such other officers of the town of Hartford as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective fees or salaries of said officers; they shall require bond, with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, conditioned for the faithful discharge of the duties and the prompt payment of all sums of money that shall come to their hands, and they and their securities shall be liable to a judgment in the Ohio circuit court, or in any court of competent jurisdiction, in favor of the board of trustees of the town of Hartford, or any per-

Affix fees and
salaries.
Shall require
bond.

Liable on official
bond.

son entitled to money collected or received by them, in like manner, and subject to the same penalties, that sheriffs and their securities are. They shall have full power at any time to remove any of said officers and appoint others in their stead; and when any vacancy occurs by death, removal, resignations of the chairman of the board, or any of the officers aforesaid, they shall, in like manner, have full power to appoint others in their stead.

Trustees may remove officers & fill vacancies.

ARTICLE VI.

§ 1. That the trustees shall appoint annually, from among their citizens of said town, an assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof. It shall be the duty of the assessor to call upon all the taxable persons in said town and make out a true list of all their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor. The assessor's list shall be taken so as to include all real and personal estate in said town, as specified and set out for taxation in section 1, article 7, of this act, and all the male citizens over twenty-one years of age, with all other species of personal property, money, and choses in action enumerated and set out in section 1, article 7, of this act, in the same manner that property is assessed for State taxation, whether the same be held by citizens of said town or placed within said town by persons not citizens thereof, for the purpose of sale, manufacture, or use in said town. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can procure. He shall, on or before the first day of March in every year, complete and return the list so taken to the board of trustees. Upon the return by the assessor, the trustees may review and regulate and correct the same; and after such review and regulations, the trustees shall give notice that every person or persons who may feel themselves aggrieved by the valuation of the assessor, or by the corrections or reviews of said trustees, may appear before them at a stated meeting, to be held for such purpose on or before the first day of April in each year, with their evidence, to show the true value of such property; and the trustees, upon such proof being made to them, may change such valuation.

Assessor.

To take oath.

His duties.

Assessor's list—what to include.

Persons failing or refusing to give list, how listed.

List returned 1st of March in each year.

Trustees to regulate tax-list.

Clerk to make out list and place in the hands of marshal for collection.

§ 2. That when the assessor's list shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk; the board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amounts authorized by this act, and direct the clerk to make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the marshal for collection within fifteen days thereafter.

Annual levy of taxes.

§ 3. That the said board of trustees may annually lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the assessor returns his list; or if anything should prevent the levy and tax from being then made and levied, the same may be made at the next meeting of the board.

Clerk to record list on or before 1st of May.

§ 4. That after the first day of May in each year, the clerk of the board of trustees shall record, in a book by him to be kept for that purpose, the assessor's list, with any corrections that may have been made therein by the board of trustees; and the said list thus recorded, or attested copies thereof by said clerk, shall be received in evidence in any court of justice, and shall be *prima facie* evidence that the assessor complied with all the duties prescribed to him by law, and shall also be *prima facie* evidence that the laws in relation to the fixing and adjusting of the taxes have been regularly complied with by the board of trustees and its officers.

Treasurer to take oath and give bond.

§ 5. That the treasurer appointed by the board of trustees shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, and in such penalty as the trustees may require, which penalty shall be not less, at any time, than one thousand dollars, and which bond shall be conditioned to pay over all moneys which may come to his hands as treasurer to the trustees or their order, and to perform all the duties imposed upon him by law as treasurer, and may contain such other stipulations as the board may think proper to require. The treasurer shall receive and give a receipt for all moneys paid or received; he shall receive and receipt for all paid to the board of trustees; he shall keep a fair record of all fiscal concerns of the board, and record in order the appropriations of said board, as certified to him by the clerk, and pay the same

Duties of treasurer.

according to their order; he shall pay no moneys without receiving a copy of a resolution of the board of trustees, signed by the clerk, making such appropriations, and he shall fill all received by him for settlement by resolution of the board; his books shall at all times be open to the inspection of persons having claims upon the board upon reasonable notice. The treasurer shall be, and is hereby, authorized to receive and receipt for all taxes, fines and forfeitures, that may be paid to him, on or before the first days of January and July in each year, by those persons who may owe the same; he shall, on or before said dates in each year, report to the clerk of the board a true list of all taxes and moneys received by him, with a list of those taxes and dues which remain unpaid at times aforesaid; he shall be allowed such compensation for his services as the board of trustees may direct, not exceeding two and one half per cent. on all the moneys received and paid out by him under the order of the board; he shall also, whenever required by an order of the board to that effect, attend and report to the board the condition of the treasury, and shall at all times be ready for a settlement.

§ 6. The clerk appointed by said trustees shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute bond, with such conditions and with such security as shall be required by the board. It shall be his duty to preserve the books, records, and everything belonging to his office, and deliver the same to his successor in office; he shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof; he shall file and preserve the poll-books annually, make out and issue certificates of election to incoming trustees; he shall record all the acts, resolutions, and orders of the board; he shall take all bonds, agreements, and records, and preserve all contracts and agreements made between the board of trustees and other persons; he shall copy and sign all resolutions, orders, claims, allowances, and issue notices, when required to do so by the board or persons having claims against the board; he shall file and preserve annually the assessor's books; he shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the treasurer on or before the first day of June in

Clerk to take oath.

His duties.

To certify election of trustees.

To preserve assessor's books.

each year, which list shall be an exact copy of the same listed with the marshal for collection; he shall file and preserve the report of the treasurer of those taxes which have not been paid; and he shall make out and place in the hands of the marshal a list of the persons and property by whom or on which taxes and dues to the town remain unpaid, and the amount of the same respectively, when ordered to do so by resolution of the board.

ARTICLE VII.

Rate of taxation. § 1. That the board of trustees of the town of Hartford shall have power and authority to assess annually, levy and collect a tax on all real and personal estate, stocks, bank deposits, bonds, &c., and other choses in action owned by persons residing within said town and subject to State taxation, not to exceed twenty-five cents on the hundred dollars' worth of property; they shall have power and authority to levy and collect a poll-tax, not exceeding five dollars, on all male persons in said town over the age of twenty-one years.

Rate on sale of liquors less than a quart. § 2. Said trustees shall have the power to levy and collect a tax, not exceeding one hundred dollars, on all persons authorized by the laws of the State to vend spirituous liquors in said town in quantities less than a quart.

Less than a gallon. § 3. That the said trustees shall have power to levy and collect a tax, not exceeding fifty dollars, on all persons authorized by the laws of the State to vend spirituous liquors in said town by the quart, or who may vend spirituous liquors in said town in quantities less than a gallon.

Coffee-houses—rate of tax on. § 4. That the said trustees shall have power to grant licenses to keep coffee houses and restaurants, with the privilege of retailing spirituous liquors by the drink within the limits of said town, and to impose and fix the rate of town tax thereon, not exceeding one hundred and fifty dollars for each house; that all persons obtaining license under the provisions of this act to keep a coffee-house shall pay the State tax, execute bond, and make oath as now required by law concerning coffee-houses in this Commonwealth.

Trustees to govern coffee-houses § 5. That the said trustees shall have power to impose all necessary rules for the good government and good order of the coffee-houses kept in said town, and the power to revoke or suspend any license for a violation of said rules.

§ 6. That the said trustees shall have power to tax all theatrical performances, shows, and exhibitions of all kinds, in any sum, not exceeding twenty dollars, for each exhibition.

Tax on shows, &c.

§ 7. That the said trustees shall have power to levy and collect a tax on goods sold by transient merchants and peddlers, sold by public outcry, not to exceed five per cent. on the gross amount of sales for all goods, wares, and merchandise sold in the limits of said town, except property sold by citizens of their own manufacture, or by order of court, or by an executor, administrator, or guardian.

Tax on goods sold.
Peddlers, &c.

§ 8. That the said trustees shall have a lien on all real and personal estate in said town until all the taxes due by the owners thereof are paid; and all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale; the said trustees shall also have a lien on all property sold or brought into said town to be sold, and on all articles of value pertaining or belonging to theatrical performers, shows, and exhibitions; and on all fixtures or property belonging to such persons as are required to pay special tax, and to obtain licenses for the privileges granted in this article until the said license or tax shall have been paid, and may be enforced in any court having jurisdiction.

Trustees to have lien for taxes.

ARTICLE VIII.

§ 1. That the police court of Hartford shall remain. It shall be a court of record, composed of a police judge, and shall have a marshal and deputy marshal as hereinafter provided. The police judge shall have the qualifications of a county judge, and the marshal those of a sheriff; said police judge and marshal to be elected by the qualified voters of said town, at the times and places prescribed by law for holding State elections, and for the periods prescribed by the forty-first section, article fourth, of the Constitution of the State. Said police judge shall take the oaths of office and give bond, in substance, with those of the county judge; the marshal, like oaths and bonds with those prescribed for sheriffs.

Qualifications of police judge and marshal—when & how elected.

Terms of office.

§ 2. That said police court shall have original and concurrent jurisdiction with other courts of all misdemeanors committed within said town, the punishment of which is limited to a fine of one hundred dollars and fifty days' imprisonment, one or both; and shall also have jurisdiction concurrent with

Jurisdiction of police court.

To try breaches of the peace, &c., committed in the county.

other courts to try all offenses of riots, routs, and breaches of the peace, for disturbing religious worship, school, seminary, or college committed within the county of Ohio, of which Hartford is the county seat; and shall have jurisdiction within the limits of said county of Ohio of all misdemeanors, and of all causes, civil, criminal, or penal, in which county judges have jurisdiction now given by law, except where the jurisdiction of county judges is made exclusive, and shall proceed in the same manner that county judges are required to proceed in such cases.

May try breaches of the peace, &c., in town.

§ 3. Said police judge shall have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, and all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town.

May try misdemeanors' infractions of by-laws, &c.

§ 4. Said police judge shall have jurisdiction over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports by burning powder, matches, or crackers, flying kites, crying aloud by day or night, blowing horns, night orgies, and all other riotous conduct whatever within said town, all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offenses or causes arising from the by-laws and ordinances passed by the board of trustees.

May hold examining court.

§ 5. That, in addition to powers and jurisdiction now conferred upon police judges of towns by law, said police judge shall have the following powers and jurisdiction: he shall have power to cause the arrest of all persons charged with felony, and hear evidence of their innocence or guilt, and to commit or discharge, or admit to bail, if the offense be bailable, and take recognizances, with surety, for appearance before the proper tribunal with the same effect that county judges may; to hear all complaint for breaches of the peace, and require surety for the same and good demeanor, and commit to the jail of Ohio county until surety be given; to hear and determine all complaints for breaches of ordinances; also for violations of the penal laws of the Commonwealth, and to impose such fines and penalties as may be prescribed by said ordinances or the penal laws of the State, to the amount of twenty dollars; if above that sum, and on the application of the party charged, he shall cause the intervention of a jury. Said police judge shall be a general conser-

Fine exceeding twenty dollars to be tried by jury.

vator of the peace within said town and county of Ohio as circuit judges in the State.

§ 6. That the police court shall be a court of record, and the judge thereof shall act as clerk; and certified copies of the record of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth.

§ 7. That all proceedings and processes from the police court shall be in the name of the Commonwealth of Kentucky, as other warrants and processes, except in cases otherwise provided for in this act, and shall be made returnable before him as police judge of Hartford; the same shall be directed to the marshal or any constable, sheriff, or the jailer of Ohio county, and shall be executed and returned by the marshal, constable, sheriff, or jailer, as the case may be, under the same laws and penalties as other processes from the county judge, who shall be entitled to the same fees as are now allowed such officers for similar services: *Provided, however,* That when any prosecution is instituted and carried on for misdemeanors and violations of the by-laws within the limits of said town, of which said police judge, by this act, has exclusive jurisdiction, said processes, prosecutions, and proceedings shall be issued, and shall proceed in the name of the Commonwealth of Kentucky, for the use and benefit of the board of trustees of the town of Hartford, in which case they shall be entitled to the fine or penalty recovered.

Process—how issued.

To whom directed.

Officers' fees.

Exception.

§ 8. That the police judge of said town shall be entitled to the same fees in all prosecutions for misdemeanors within said town and county, and violations of the by-laws committed within said town, as are now allowed, or have heretofore been allowed, county judges, police judges, and justices of the peace in trials of riots, routs, and breaches of the peace.

Fees of police judge.

§ 9. That the defendant shall have the right at any time to replevy for three months any judgment, fine, or forfeiture of the police court, or execution, or other final process thereon, by giving bond, with good security, in the same manner as is now allowed by law in similar cases in favor of the Commonwealth.

Defendant may replevy.

§ 10. That a return of not found on a *capias pro fine*, and of no property found on a writ of *feri facias*, issued on any judgment in the police court in favor of the Commonwealth of Kentucky, for the use and benefit of the board of trustees

Attachment may issue for fines, &c.

of the town of Hartford, shall authorize an attachment out of equity in favor of the said Commonwealth of Kentucky, for use and benefit of said board of trustees, against the defendant or defendants, in the same manner that a return of no property authorizes an attachment on judgments rendered in the circuit courts.

Fieri facias or
capias pro fine
may issue.

§ 11. That upon all judgments for fines rendered by the police court in favor of the Commonwealth of Kentucky for the use and benefit of the board of trustees of the town of Hartford, and for offenses or misdemeanors of which said court by this act has original and exclusive jurisdiction, and which shall not be paid or replevied at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine: *Provided*, That the police judge may, in his discretion, direct such defendant so fined to be placed at hard labor upon the streets or alleys of the town, or on any public building in or belonging to the town, or at any other labor for the benefit of said town, until he shall pay his said fine and the costs adjudged against him, allowing for his said labor at the rate of two dollars per day. Such defendant shall be under the control of the town marshal, who shall be responsible on his official bond for the escape of such defendant; or, in case there is no town marshal, the police judge may appoint some suitable person to take charge of such defendant. The defendant shall not be required to work or labor more than eight hours in any one day. When not at labor, such defendant shall be confined in the county jail; and for the purpose of putting said defendant in jail and taking him out to labor, a certified copy of the judgment of said police court shall be sufficient authority for the marshal or other officer to the jailer of Ohio county.

May place de-
fendant at hard
labor for benefit
of town to pay
fine.

Indictment not
necessary.

§ 12. That an indictment shall not be necessary in the prosecution of any of the offenses or misdemeanors enumerated in this act, and of which jurisdiction is conferred upon said police court:

Chairman to act
as police judge.

§ 13. That the chairman of the board of trustees shall have power and shall perform the duties of the police judge in all criminal and penal actions in cases where, from a vacancy in the office of police judge, or from absence, sickness, or other

cause, the police judge does not or cannot act; and he shall have the same fees therefor as the police judge is allowed; but he shall account for and pay to the town treasurer all fines or other money received by him in his judicial capacity.

Shall have same fees.

§ 14. That the police judge of said town shall have power to order the arrest of all drunken and disorderly persons within said town and county, to be dealt with and fined according to the laws of this Commonwealth or the by-laws of said town; and may, in his discretion, commit such person or persons as may be drunk to the jail of Ohio county until such person or persons are duly sober.

May commit drunken persons to jail till sober.

§ 15. That, for all offenses, crimes, and misdemeanors committed in the presence of said police judge against the laws of the State and the by-laws of said town, he shall have the power to order the arrest, and proceed with the trial, of such person or persons without the formality of a warrant or writ; and may proceed to the trial of any person or persons brought before him by the marshal or other officer, charged with crimes or misdemeanors, without the usual warrant or writ.

May order arrests and try without warrant.

§ 16. That the police court shall be holden at such place in said town as the police judge may select. The judge shall have power to fix the time of holding court for the trial of criminal or penal cases as, in his discretion, the business before him may seem to require.

Judge to fix time and place of holding court.

§ 17. There shall be held in said town four quarterly police courts for the trial of civil causes in every year, the time of holding said quarterly terms to be fixed by the police judge of said town on the same day in every third month from the last term thereof; said terms to continue from day to day until the business of the term is disposed of.

Quarterly terms.

§ 18. That the said police court shall always be open for hearing and determining such criminal and penal cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties and a prompt administration of justice.

Courts to be always open.

§ 19. That the provisions of the Criminal Code of Practice regulate the proceedings of said court in penal and criminal cases, except as herein otherwise provided; and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 20. That appeals from the decisions and judgments of the Hartford police court shall be, and shall remain, as now regulated and provided for by the Civil and Criminal Codes of Practice.

ARTICLE IX.

Powers & duties of marshal. § 1. That the marshal of said town shall be *ex officio* collector of all taxes, dues, and demands of said town, and shall have all the power and authority within said town and the county of Ohio to distrain, levy, and sell property for all taxes, dues, and demands which are due and to become due the said town of Hartford that sheriffs have under the revenue laws of this Commonwealth.

Fees and commissions of marshal. § 2. That said marshal shall receive for his services the same fees and commissions that sheriffs now receive for the collection of the revenue.

Serve process, &c. § 3. The said marshal shall have the same power in said town and county that constables now have to serve notices, and also to execute all warrants and processes from any of the courts of said county, and levy and perfect executions upon all orders and judgments from the courts of said county.

Serve notices, &c., issued by the board. § 4. That said marshal shall serve and execute all orders and notices made or issued by the board of trustees, and make due return on the same.

May have a deputy. § 5. That said marshal may have a deputy, and shall, together with his securities, be as fully responsible for the neglect, misconduct, malfeasance, or other default of his deputy, as though he himself had been guilty of such neglect, misconduct, malfeasance, or other default in his proper person.

Liability of marshal & securities. § 6. That said marshal shall be liable on his official bond for all taxes, dues, and demands listed with him for collection, in the same manner that sheriffs are liable under the laws of the State; and suit on his bond may be instituted in the name of the trustees of the town of Hartford in any court having jurisdiction.

May arrest without warrant. § 7. That said marshal or deputy marshal shall have the power and authority at any time to arrest persons guilty, or suspected of being guilty, of a violation of the criminal laws of the State or the by-laws of said town, without the formality of a warrant or writ from the police or other court.

Fees of marshal. § 8. That said marshal shall be entitled to a fee of one dollar for arresting and serving warrants of arrest, in all

prosecutions for misdemeanors and infractions of the by-laws of said town, in favor of the Commonwealth of Kentucky, for the use and benefit of the board of trustees of the town of Hartford, and of which by this act original and exclusive jurisdiction is conferred upon the police judge of said town, and shall be entitled to the same fees that are allowed to constables in other cases and for similar services.

§ 9. That the said marshal shall have the same power to collect taxes by garnishment as is now given to sheriffs of this Commonwealth by the provisions of sections one, two, three, and four, of article nine of chapter ninety-two of the General Statutes. The notice prescribed by section one as aforesaid may summon the person owing the tax or taxes before the Hartford police court; and said court shall have the same power to hear and fully determine any garnishment for taxes due the town of Hartford, as the county court now has to hear and determine such cases for taxes due the Commonwealth.

May garnishee
for taxes.

§ 10. It shall be the duty of said marshal to pay over to the treasurer, and take his receipt for all moneys collected by him, for license and other claims placed in his hands by said trustees for collection, at his earliest convenience, not to exceed ten days from the collection of the same.

Pay money col-
lected for license,
&c., to treasurer.

§ 11. That it shall be the duty of the said marshal, or other collecting officer collecting fines and executions or *capias pro fines* issued by said police court, or any money recovered in the name of the Commonwealth of Kentucky, for the use and benefit of the board of trustees of the town of Hartford, to pay the same over to the treasurer, and take his receipt for the same, on or before the first day of January and July of each year.

Pay money col-
lected on fines,
&c., to treasurer.

§ 12. It shall be the duty of said marshal, from time to time, after he receives the tax list from the clerk of the board of trustees, to collect and pay the same over to the treasurer, and take the treasurer's receipt for the same; and on the first day of July in each year it shall be his duty to make a final report and settlement with the treasurer, and shall deliver his tax-list, together with the money collected on same, less his commission, to treasurer, and take receipts for same; and on his failure to do so, he shall be responsible on his official bond for such default in like manner, and subject to the same penalties, that sheriffs and their securities are.

Pay money col-
lected on tax-list.

ARTICLE X.

May inflict penalty of one dollar for non-attendance of members.

§ 1. That the board of trustees may, from time to time, fix and regulate, by their by-laws, the times and places of their regular meetings of the board, and also to prescribe the mode in which special meetings may be held, and may inflict a penalty, not exceeding one dollar, on any member, for non-attendance at any one meeting, to be applied for stationery, lights, and fuel.

Fines granted to town.

§ 2. That all fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, for the use and benefit of the board of trustees of the town of Hartford, and all taxes herein affixed and provided for, are hereby granted, and shall vest in the board of trustees of the town of Hartford, and the same shall be appropriated exclusively to the use and benefit of said town, in such manner as the board of trustees may direct.

Officers to pay fines to treasurer on or before first day of January and July.

§ 3. That all fines and forfeitures provided for in the preceding section shall be collected by the town marshal and police judge, or other officer to whom execution or *capias pro fine* is directed, and to be paid by them to the town treasurer on or before the first day of January and July of each year; and in default of which they shall be severally liable to the said board of trustees on their official bonds, to be recovered by action in any court having jurisdiction.

Chairman to see that laws are enforced.

§ 4. That the chairman of the board of trustees shall preside over the meetings of the board of trustees, and shall take care that the laws of the Commonwealth and the by-laws and ordinances of the town are duly enforced, respected, and obeyed, and that all the other executive officers of the town discharge their respective duties.

Vacancies in the office of police judge & marshal—how filled.

§ 5. That vacancies which may occur by death or otherwise in the office of police judge and town marshal of said town, shall be filled by appointment by the board of trustees of said town until the next regular election thereafter; and such persons so appointed shall have the same qualifications, take oaths, and execute bond as required of such officers by this act. That the police judge elected or appointed under this act shall be commissioned by the Governor of this State.

Meeting of trustees.

§ 6. That the board of trustees shall hold stated meetings, and the chairman, or in his absence the town clerk, may call meetings, by notice to each of the members of the board of

trustees, either oral or in writing; but if written, such notice must be served personally or left at their usual place of abode.

§ 7. That the board of trustees shall have power to make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this Commonwealth, for the good government of the town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of the said town by this act, and enforce observance of all rules, by-laws, ordinances, police and other regulations made in pursuance of this act, by penalties not to exceed one hundred dollars for any offense against the same.

§ 8. That the inhabitants of the town of Hartford shall not be compelled to work on the public roads.

Exempt from
road-working.

§ 9. That all laws or parts of laws, acts or parts of acts, inconsistent with this act, are hereby repealed.

§ 10. This act shall take effect from its passage.

Approved February 26, 1878.

CHAPTER 252.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Dayton, in Campbell county."

Be it enacted by the General Assembly of the Commonwealth Kentucky:

§ 1. That the first section of the act, entitled "An act to revise and amend the charter of the city of Dayton, Campbell county," and approved March 7th, 1876, be so amended that the boundaries shall be as follows, to-wit: Beginning where the east line of that part of the city of Dayton (originally known as the town of Jamestown) intersects the Ohio river at low-water mark; thence down the Ohio river, with the meanders thereof, to a point in the west line of Currie's subdivision produced northwardly; thence with said produced line and the west line of Currie's subdivision southward to the south line of Fairfield avenue; thence with the south line of said Fairfield avenue eastward to the south line of Gilmore's avenue; thence eastward with the south line of Gilmore's avenue to the east line of Walnut street; thence parallel to the south line of Fairfield avenue eastwardly to the west line of Taylor's Terrace Garden subdivision; thence with said

Boundary.

line southwardly to the south line of said subdivision; thence eastwardly with the southern line of Terrace Garden and Tibbitt's subdivision to the west line of McKinney street; thence with the west line of McKinney street southwardly to the south line Burton Hazen's Brooklyn; thence with the south line of Hazen's Brooklyn and Berry's subdivision eastwardly to the east line of Berry street; thence with said line of Berry street northwardly to the south line of Jamestown; thence with said line eastwardly to the corporation line, being the eastern line of that part of the city of Dayton originally known as the town of Jamestown; thence with said line northwardly to the place of beginning, shall be, and the same is hereby, constituted the corporate limits of the city of Dayton; and the inhabitants thereof are hereby declared and continued a body-corporate and politic, with perpetual succession, by the name and style of the city of Dayton; and in that name may contract and be contracted with, sue and be sued, and do all acts and things as municipal corporations may lawfully do; and may have and use a corporate seal, and to alter and renew the same at pleasure; and the jurisdiction of said corporation shall be concurrent with the State of Kentucky over the waters of the Ohio river bounding said city on the north.

May have an action and obtain personal judgment.

§ 2. The city of Dayton may have an action and obtain personal judgment in any court having jurisdiction for taxes that may be hereafter levied, or that may have been heretofore levied, and penalties thereon due her, after the bills for the same shall have been finally returned by the city treasurer to the city clerk, as now provided by law, which judgments shall be collected as other judgments: *Provided*, That this section shall in no way affect the remedy already given the said city for the collection of taxes.

Amendment to sections 51, 55, and 54.

§ 3. That the words "chairman of," in lines fifty-one and fifty-five, in section fourteen in the act referred to in the first section of this act, be stricken out.

Qualifications and duties of city clerk.

§ 4. In addition to the other qualifications and duties of city clerk now prescribed by law, he shall be competent and able to keep a set of books by a system of double entry book-keeping; and the books and accounts of the city shall be so kept by him.

City treasurer to make a monthly report.

§ 5. The city treasurer shall, on the first regular meeting of the city council in each month, report the exact amount of

moneys received and disbursed by him for the month next preceding, together with the amount of cash on hand.

§ 6. That neither the president of the city council nor the city clerk shall, under any circumstances, sign any order on the treasurer for the payment of money, unless it shall appear from the treasurer's last report that there is money in his hands sufficient to pay the same: *Provided*, That this section shall only apply to contracts of the city made after the passage of this act.

When order can be drawn on the treasurer.

§ 7. That all laws and parts of laws having special application to the city of Dayton, in so far as the same are in conflict with this act, be, and the same are hereby, repealed.

Laws in conflict with this act repealed.

§ 8. That this act shall take effect from and after its passage.

Approved February 26, 1878. .

CHAPTER 253.

AN ACT to amend an act, entitled "An act to incorporate the Union Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to incorporate the Union Turnpike Road Company," approved March 7th, 1850, be so amended as to fix the northern terminus of said road at its intersection with the Covington and Lexington Turnpike Road in the town of Florence, and its southern terminus at its intersection with the Old Visalio road in the town of Union, Boone county.

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. This act to take effect from and after its passage.

Approved February 26, 1878.

LAWS OF KENTUCKY.

CHAPTER 254.

AN ACT to repeal an act incorporating Guthrie City, in Todd county, approved March 11th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate Guthrie City, in Todd county, Kentucky," approved March 11th, 1876, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 26, 1878.

CHAPTER 256.

AN ACT for the benefit of school district No. 4, of Lee county.

WHEREAS, Five children were erroneously omitted from the census report of pupil children for the school year ending June 30th, 1876, in district No. 4, Lee county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of nine dollars and fifty cents be appropriated to said district for the benefit of the teacher thereof, to be paid from the interest accruing from the Lee county surplus bond; and when the commissioner shall draw his draft for the same, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant in favor of James P. Brandenburgh, commissioner of Lee county, to be paid by him to Mary Thomas, the teacher of district No. 4, for said year.

§ 2. This act shall take effect from its passage.

Approved February 26, 1878.

CHAPTER 257.

AN ACT to amend an act, entitled "An act to authorize the city of Covington to erect a bridge over the Ohio river."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to authorize the city of Covington to erect a bridge over the Ohio river," approved

February 29th, 1876, be, and the same is hereby, amended as follows: after the words "for that purpose," in the proviso in the fourth section of said act, shall be inserted the following words and figures. to-wit: "which election shall be ordered, and due notice thereof be given, by the city council, to be had and held at and between the customary hours, and at the usual voting places, in each and every ward in said city, at the next ensuing January election on the first Saturday in January in the year 1879;" and said city council shall provide the necessary poll-books, and appoint the necessary judges, clerks, and other officers of election, and make such other orders and provisions as shall be necessary and proper in the premises; and it shall be the duty of said officers of election, at the time and places aforesaid, to put the question to each and every voter offering to vote at said election, "Are you for or against the bridge tax?" and truly to receive and record all the votes as actually cast, and truly to report the same to the city council; and if a majority of the votes cast at said election so had and held shall be for said tax, thereupon said tax shall be levied, collected, and applied as aforesaid; and anything in said proviso inconsistent with the true intent and meaning of this amendment is hereby repealed.

§ 2. The bonds authorized by the act to which this is an amendment shall not be issued or sold until such legislation as may be necessary to the construction of said bridge, and the acquiring of rights of way, and condemnations therefor, shall have been procured from the State of Ohio and the United States; nor then until the work for the construction of said bridge shall have been contracted for and commenced, and then in sums not to exceed one hundred thousand dollars at a time; and neither of the trustees authorized to be appointed by said act shall receive, or be entitled to receive, any compensation whatever for their services as such until the work of constructing said bridge shall have been contracted for and actually commenced; and then said trustees shall not be entitled to or receive greater compensation than the sum of one thousand dollars per annum for each; and all parts of said act in conflict with the provisions of this section are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 26, 1878.

LAWS OF KENTUCKY.

CHAPTER 258.

AN ACT to incorporate Bell College, in Danville, Boyle county.;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. J. L. Allen, principal, and his successors in office, be, and they are hereby, constituted a body-politic, under the style and name of the "Trustees of Bell College," an institution of learning for young ladies located at Danville, Kentucky; and by that name shall have perpetual succession; may adopt and use a common seal, and the same alter and change at pleasure. Said Allen as principal, and his successors in office, shall have power to confer any diploma or token of merit which are now allowed by law to be conferred by the best chartered colleges and seminaries of learning in the land; and diplomas heretofore conferred from said college are hereby legalized, and placed upon the same footing with those which may hereafter be conferred under and by virtue of this act.

§ 2. This act shall be in force from its passage.

Approved February 26, 1878.

CHAPTER 259.

AN ACT to amend the charter of the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person shall be eligible as a councilman of the city of Paducah who, at the time of his election, is not a male citizen of the United States, who has not attained the age of twenty-four years, and who has not resided within the corporate limits of said city for two years next preceding his election, and who is not a bona fide resident of the ward for which he may be chosen; and if he or his wife is not the owner bona fide of a real estate residence in the city of Paducah, or who holds or discharges any office or agency under the city of Paducah, the county of McCracken, the State of Kentucky, or the United States of America, or any department thereof, or any foreign government whatever, or who, at the time of his election, is interested, directly or indirectly, in any contract with the city of Paducah, or who is bound on bond to the city, either as principal or security, or holds

Eligibility of
councilman.

any office of trust or salary in any corporation which holds any contract with said city, the terms, rates, or prices whereof are subject to modification or enforcement by the said common council; and no collector or keeper of the city funds or money shall be eligible until he has settled with said city and obtained a quietus: *Provided*, This amendment shall not apply to the present terms of councilmen now in office.

§ 2. No person shall be eligible to the office of mayor who is ineligible to the office of councilman prescribed in the preceding section, except as to his residence in any particular ward of the city.

Eligibility of mayor.

§ 3. The mayor shall receive as compensation for his services not more than eight hundred dollars and not less than five hundred dollars per annum, payable quarterly out of the city treasury, to be fixed by the common council by ordinance previous to his election, which shall not be increased or diminished during his term of office.

Compensation of mayor.

§ 4. *Be it further enacted*, That section one hundred and seventeen of the revised charter of Paducah be, and the same is hereby, repealed; and hereafter there shall be no grand jury empaneled in the city court of Paducah, and all prosecutions in said court shall be had upon warrant, in which the nature of the offense charged shall be described with reasonable certainty, and the jurisdiction of the city court of Paducah shall be and remain the same as now prescribed in the revised charter of said city.

Section 117 of revised charter repealed.

§ 5. *Be it further enacted*, That the judge of the Paducah city court shall receive an annual salary of six hundred dollars per annum, payable quarterly out of the city treasury, and section one hundred and nineteen of the revised charter of Paducah be, and the same is hereby, repealed.

Judge of Paducah city court to receive an annual salary.

§ 6. *Be it further enacted*, That there shall be elected by the qualified voters of said city, at the times and places provided for the regular election of city judge, one city prosecuting attorney, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and he shall receive no regular salary out of the city treasury; but he shall be entitled to have and receive twenty-five per cent. of all fines and forfeitures recovered in the city court of Paducah during his official term for the violations of the penal laws of this Commonwealth occurring in the city of Paducah, and for a breach of city ordinances, in all cases where the

City prosecuting attorney to be elected.

said city attorney shall prosecute the offenders, which shall be in full of all compensation to said city attorney; and section one hundred and twenty-two of the revised charter of Paducah be, and the same is hereby, repealed.

Duty of city attorney & police officers.

§ 7. *Be it further enacted*, That it shall be the especial duty of said city attorney, as well as the police officers of the city, to cause prosecutions, by warrants, to be instituted in the city court of Paducah, for all violations of the penal laws of this Commonwealth within the corporate limits of said city, and also for all breaches of city ordinances, and to prosecute the same in said city court, of which said court shall have jurisdiction.

Fees of marshal of city.

§ 8. *Be it further enacted*, That the marshal of the city of Paducah shall be entitled as compensation to the same fees allowed by law to sheriffs for similar services, the collection of which may be enforced as by law for the collection of sheriffs' fee-bills; and he shall also be entitled to have and receive eight per cent. of all fines and forfeitures recovered in the city court of Paducah collected by him as marshal; and said marshal shall be allowed no compensation out of the city treasury; and section one hundred and thirty of the revised charter of Paducah is hereby repealed.

May appoint a deputy marshal.

§ 9. *Be it further enacted*, That if, in pursuance to section one hundred and thirty-four of the revised charter of Paducah, the marshal shall, by and with the approval of the common council, appoint a deputy marshal, said deputy marshal shall be paid out of the city treasury the sum of twenty-five dollars per month, and no more, during the time such deputy may serve: *Provided*, Said deputy shall perform such police duties as the marshal himself is required by law to perform, and shall act as general day policeman; and such deputy marshal, for any other or further compensation for his services as such deputy, shall look alone to his principal, the marshal, as they may agree between themselves.

City tax collector to receive a salary.

§ 10. *Be it further enacted*, That the city tax collector of Paducah shall have and receive a salary not less than eight hundred dollars nor more than one thousand dollars per annum for collecting and accounting for the city taxes and public dues of the city of Paducah, twenty-five per cent. of which salary shall be retained by the city until the collector shall make his final settlement, and be entitled to his quietus; the balance of his salary shall be paid him quarterly, the

whole to be paid him out of the city treasury as aforesaid: *Provided, however,* And be it further enacted, that section one hundred and fifty-six of the revised charter of Paducah be and the same is so amended, that hereafter all costs and commissions allowed the collector for the sale of property named in said section, whereof the city of Paducah shall become the purchaser, the collector shall not charge or receive from the city of Paducah any such costs or commissions for the sale of property which the city may buy.

§ 11. *Be it further enacted,* That section one hundred and eighty of the revised charter of Paducah be, and the same is hereby, so amended, that hereafter the salary of the council clerk of Paducah shall not be less than four hundred nor more than six hundred dollars per annum, to be fixed and paid as prescribed in said section.

Salary of council clerk.

§ 12. *Be it further enacted,* That section one hundred and eighty-one of the revised charter of Paducah be, and the same is hereby, amended as follows: That hereafter the city court clerk of Paducah shall be allowed no salary to be paid out of the city treasury, neither shall he be allowed to charge or receive any fees for services he may render the city of Paducah.

City court clerk.

§ 13. *Be it further enacted,* That section 182 of the revised charter of Paducah be, and the same is hereby, so amended that the city council of Paducah hereafter shall not allow to the city engineer any regular salary to be paid out of the city treasury, but the council shall have power to prescribe and fix the fees of the city engineer for services he may render, and to be paid by the persons as by ordinance may be prescribed.

City council to fix fees to be paid city engineer.

§ 14. *Be it further enacted,* That the mayor and common council of the city of Paducah, in addition to their power to tax coffee-houses, shall have the power and authority to tax, by ordinance, each and every vendor of ardent spirits, ale, or malt liquors, in quantities of one quart or more, doing business in the city of Paducah, in any sum not less than twenty-five dollars nor more than one hundred dollars per annum, and shall have power to require such vendors of ardent spirits, ale, or malt liquors to procure a license before engaging in the sale of such liquors by wholesale or retail, and to impose adequate penalties for the violation of such ordinance: *Provided, however,* That this act shall not be construed to

May tax every vendor of ardent spirits.

said city attorney shall prosecute the offenders, which shall be in full of all compensation to said city attorney ; and section one hundred and twenty-two of the revised charter of Paducah be, and the same is hereby, repealed.

Duty of city
attorney & police
officers.

§ 7. *Be it further enacted*, That it shall be the especial duty of said city attorney, as well as the police officers of the city, to cause prosecutions, by warrants, to be instituted in the city court of Paducah, for all violations of the penal laws of this Commonwealth within the corporate limits of said city, and also for all breaches of city ordinances, and to prosecute the same in said city court, of which said court shall have jurisdiction.

Fees of marshal
of city.

§ 8. *Be it further enacted*, That the marshal of the city of Paducah shall be entitled as compensation to the same fees allowed by law to sheriffs for similar services, the collection of which may be enforced as by law for the collection of sheriffs' fee-bills; and he shall also be entitled to have and receive eight per cent. of all fines and forfeitures recovered in the city court of Paducah collected by him as marshal; and said marshal shall be allowed no compensation out of the city treasury; and section one hundred and thirty of the revised charter of Paducah is hereby repealed.

May appoint a
deputy marshal.

§ 9. *Be it further enacted*, That if, in pursuance to section one hundred and thirty-four of the revised charter of Paducah, the marshal shall, by and with the approval of the common council, appoint a deputy marshal, said deputy marshal shall be paid out of the city treasury the sum of twenty-five dollars per month, and no more, during the time such deputy may serve: *Provided*, Said deputy shall perform such police duties as the marshal himself is required by law to perform, and shall act as general day policeman; and such deputy marshal, for any other or further compensation for his services as such deputy, shall look alone to his principal, the marshal, as they may agree between themselves.

City tax collector
to receive a salary.

§ 10. *Be it further enacted*, That the city tax collector of Paducah shall have and receive a salary not less than eight hundred dollars nor more than one thousand dollars per annum for collecting and accounting for the city taxes and public dues of the city of Paducah, twenty-five per cent. of which salary shall be retained by the city until the collector shall make his final settlement, and be entitled to his quietus; the balance of his salary shall be paid him quarterly, the

whole to be paid him out of the city treasury as aforesaid: *Provided, however,* And be it further enacted, that section one hundred and fifty-six of the revised charter of Paducah be and the same is so amended, that hereafter all costs and commissions allowed the collector for the sale of property named in said section, whereof the city of Paducah shall become the purchaser, the collector shall not charge or receive from the city of Paducah any such costs or commissions for the sale of property which the city may buy.

§ 11. *Be it further enacted,* That section one hundred and eighty of the revised charter of Paducah be, and the same is hereby, so amended, that hereafter the salary of the council clerk of Paducah shall not be less than four hundred nor more than six hundred dollars per annum, to be fixed and paid as prescribed in said section.

Salary of council clerk.

§ 12. *Be it further enacted,* That section one hundred and eighty-one of the revised charter of Paducah be, and the same is hereby, amended as follows: That hereafter the city court clerk of Paducah shall be allowed no salary to be paid out of the city treasury, neither shall he be allowed to charge or receive any fees for services he may render the city of Paducah.

City court clerk.

§ 13. *Be it further enacted,* That section 182 of the revised charter of Paducah be, and the same is hereby, so amended that the city council of Paducah hereafter shall not allow to the city engineer any regular salary to be paid out of the city treasury, but the council shall have power to prescribe and fix the fees of the city engineer for services he may render, and to be paid by the persons as by ordinance may be prescribed.

City council to fix fees to be paid city engineer.

§ 14. *Be it further enacted,* That the mayor and common council of the city of Paducah, in addition to their power to tax coffee-houses, shall have the power and authority to tax, by ordinance, each and every vendor of ardent spirits, ale, or malt liquors, in quantities of one quart or more, doing business in the city of Paducah, in any sum not less than twenty-five dollars nor more than one hundred dollars per annum, and shall have power to require such vendors of ardent spirits, ale, or malt liquors to procure a license before engaging in the sale of such liquors by wholesale or retail, and to impose adequate penalties for the violation of such ordinance: *Provided, however,* That this act shall not be construed to

May tax every vendor of ardent spirits.

have the same fees therefor. All the fines and forfeitures resulting from such prosecutions, are hereby granted to the city of Paducah. The proceedings in such cases shall be the same as for offenses committed within the city limits; and the city marshal shall have the same power, and perform the same duties, in such prosecutions for such offenses committed outside of the city limits, as he has within the city limits, and may charge the same fees and have the same compensation.

May tax halls
and houses used
for dancing.

§ 25. *Be it further enacted*, That the common council shall have power to license and tax the proprietors of all halls or houses kept or used for dancing purposes in the city of Paducah for profit or gain, in any sum not less than ten nor more than fifty dollars per annum, and shall have the power to enforce the procurement of such license by the infliction of adequate penalties.

Duties of city
attorney.

§ 26. It shall be the duty of the city attorney to cause and carry on prosecutions against all persons guilty of any violation of the penal laws of this Commonwealth in the city limits, or within one mile and a half of the city limits of Paducah, in the illegal sale or giving of spirituous, vinous, malt, or fermented liquors; and, in addition to the oath now required to be taken by the city attorney of Paducah, he shall take the following oath before entering upon the duties of his office, to-wit: "I do solemnly swear (or affirm) that, without fear, favor, or affection, as city attorney, I will, in good faith, reasonable and true inquiry make, and, as far as in my power lies, ascertain all violations of the penal laws of this Commonwealth in the illegal sale or giving of spirituous, malt, vinous, or fermented liquors within the city limits, or within one mile and a half of the city limits of Paducah; and further, I will, in good faith, and to my best skill and ability, cause the issue of warrants against all such offenders, and prosecute the same, and that I will, in no instance, compromise or compound such prosecutions, but I will diligently prosecute the same to judgment, so help me God."

City attorney to
receive one third
of fines, &c.

§ 27. *Be it further enacted*, That the city attorney shall have one third of all fines and forfeitures resulting in and from all prosecutions by him to judgment under the last preceding section, anything to the contrary in the preceding sections of this act or in the revised charter of Paducah notwithstanding.

§ 28. *Be it further enacted*, That no liability or debt shall be incurred by the city of Paducah, or any order drawn upon the city treasurer, exceeding the sum of one hundred dollars for any one purpose, unless the same shall be voted for by at least two thirds of all the councilmen elected in the city, the vote to be evidenced by the record showing the call of the yeas and nays entered upon the journal of the proceedings of the council.

No liability exceeding \$100 to be paid unless by a two-thirds vote.

§ 29. *Be it further enacted*, That section thirty-five of the revised charter of Paducah be, and the same is hereby, so amended that hereafter the tax upon each wharf boat kept in front of the city of Paducah shall not be less than three hundred nor more than six hundred dollars per annum.

Section 35 of revised charter amended.

§ 30. *Be it further enacted*, That hereafter the common council shall have power, by ordinance for that purpose, to cause to be added five per cent. upon the taxes of all tax-payers due the city of Paducah, which shall not be paid the city tax collector on or before the last day of December in each and every year, which the tax collector shall add on to the taxes of all such recusant tax-payers, and have the same power to collect the same as other taxes, and account for and pay the same to the city treasurer as other money for taxes is required to be paid into the treasury of the city of Paducah.

May add five per cent. to taxes not paid city tax collector.

§ 31. *Be it further enacted*, That section one hundred and ten of the revised charter of Paducah be, and the same is hereby, so amended as to read as follows: 'The fines and forfeitures recovered in the city court of Paducah, in the name or in favor of the Commonwealth of Kentucky, or in the name of the city of Paducah, and also all fines and forfeitures in all cases that are appealed from said city court to any court of this Commonwealth recovered in such court appealed to, are hereby granted to the city of Paducah.'

Section 110 of revised charter amended.

§ 32. *Be it further enacted*, That the provisions of an act, entitled "An act to prescribe an oath to be taken by all officers elected or appointed," approved March 20th, 1876, be, and the same is hereby, made to apply to all officers of the city of Paducah elected or appointed to office.

Act approved March 20, 1876, to apply to all officers.

§ 33. *Be it further enacted*, That the qualifications for school trustees of the city of Paducah shall be the same as those of common councilmen of Paducah.

Qualifications for school trustees.

Provisions of
revised charter in
conflict herewith
repealed.

§ 34. *Be it further enacted*, That so much only of the revised charter of Paducah, and amendments thereto, in conflict with this act, be, and the same are hereby, repealed.

§ 35. And this act shall take effect from and after its passage: *Provided*, That it shall not apply to the present city officers during their present terms of office.

Approved February 26, 1878.

CHAPTER 260.

AN ACT for the benefit of Jordan Perkins, committee of Nancy Perkins.

WHEREAS, Jordan Perkins, committee for Nancy Perkins, now deceased, overpaid for her support and maintenance the sum of one hundred and forty-six dollars and four cents, above any moneys which came to his hands belonging to, and having no adequate remedy under existing laws for the return of said money to him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury for the sum of one hundred and forty-six dollars and four cents in favor of Jordan Perkins, late committee of Nancy Perkins, for money by him expended in her support and maintenance, over and above any moneys which came to his hands as such committee from her estate, she having died a pauper idiot of Garrard county, Kentucky, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved February 28, 1878.

CHAPTER 261.

AN ACT for the benefit of Samuel T. James, of Bourbon county.

WHEREAS, It is represented to this General Assembly that Samuel T. James, of Bourbon county, is the owner of a small parcel of ground in the village of Millersburg, in said county, and also of a tract of about fifty-seven acres of land in said county, both of which properties were conveyed to him in 1875 by Julian G. Allen and wife by deeds duly of record in the Bourbon county court clerk's office, in deed-book 61,

pages 81, 82, 83, and in which deeds were retained vendor's liens for a portion of the unpaid purchase money, to-wit: on the said town lot the sum of five hundred dollars, with six per cent. per annum interest thereon from April 1st, 1875; and on the other tract of land the sum of five hundred and thirteen dollars, with ten per cent. interest thereon from June 10, 1875; and whereas, it is further represented that said Samuel T. James is fifty-four years of age, and unable to pay off said liens and support his family of three minor children living with him, and is therefore compelled to make sale of said property, or submit to a forced sale thereof at a sacrifice, to avoid which sacrifice he has contracted already for the sale of the said fifty-seven acre tract at a greater price than it could now be sold for, and has contracted to convey the same by a good and sufficient deed of general warranty to the purchaser on the 1st day of March, 1878, when one half of the purchase money is to be paid, and the remainder twelve months thereafter; and whereas, it is further represented to this General Assembly that Mrs. Henrietta James, the wife of said James, is forty-six years of age, is incurably insane, and has been confined in the lunatic asylum at Lexington since 1873, and by reason of her insanity is incapable of releasing her potential right of dower in said properties; now, therefore, and for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel T. James be, and he is hereby, authorized and empowered to convey the property referred to in the above preamble as fully as if his wife Henrietta James were dead; and such conveyance when made shall operate to divest the said property of all claim or right to dower therein on the part of said Henrietta James as the wife of said Samuel T. James.

§ 2. Out of the purchase money for which said property may be sold, after paying off said vendor's liens, there shall be placed by Samuel T. James, for the benefit of his wife, in the hands of the presiding judge of the Bourbon county court, a sum equal to the money value of said wife's inchoate right of dower in the property sold, this amount to be ascertained by the tabulated rules compiled by Professor Bowditch for the ascertainment of values in similar cases, which fund shall be held by said presiding judge in trust for the benefit of said

Henrietta James until her husband takes title to other realty, in which her inchoate right of dower will be of equal value as that authorized to be released by the provisions of this act.

§ 3. This act to take effect from its passage.

Approved February 28, 1878.

CHAPTER 262.

AN ACT for the benefit of J. P. Bragg, of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas J. P. Bragg, of the county of Christian, was, in the year 1877, tried in the circuit court of said county on nine indictments for retailing liquor without license, and pleading guilty, judgments for twenty dollars on each indictment were rendered against him, and on said judgments said Bragg has paid to the trustee of the jury fund for Christian county the sum of ninety dollars, all of which, except the portion due the Commonwealth's Attorney, has been paid into the State Treasury; and whereas, it has appeared from satisfactory evidence submitted to his Excellency the Governor, that the said Bragg acted from ignorance in the premises, and with no knowledge that he was violating the State law, having paid two hundred dollars tax for license to the trustees of the town of Pembroke, Kentucky, and twenty-five dollars internal revenue tax, and he having been informed and believing that no further tax was required of him, did proceed to retail liquor without license; and whereas, the Governor has remitted all of said judgments against the said Bragg; it is enacted that the Auditor of Public Accounts is directed to draw his warrant on the Treasury in favor of the said J. P. Bragg for the sum of sixty dollars, to be paid from any funds in the Treasury not otherwise appropriated.

§ 2. This act to be in force from its passage.

Approved February 28, 1878.

CHAPTER 264.

AN ACT for the benefit of school district No. 9, Ballard county.

WHEREAS, The commissioner of Ballard county for the school year ending June 30th, 1878, through error, failed to

report twelve children reported to him by the trustee of district No. 9, and a contract was made with the teacher of said district on the basis of said trustee's report; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty dollars and forty cents be appropriated to the teacher of district No. 9, Ballard county, to be paid out of any unbonded surplus remaining to the credit of that county, or out of the interest on Ballard county's surplus bond for the year ending June 30th, 1879, and the Superintendent of Public Instruction is authorized to draw his warrant on the Auditor for the above amount in favor of said teacher.

§ 2. This act shall take effect from its passage.

Approved February 28, 1878.

CHAPTER 265.

AN ACT authorizing A. C. Mayes, for and on behalf of the board of trustees of the Princeton Seminary, to sell and convey property belonging to the Princeton Seminary, or to exchange and convey the same for other property.

WHEREAS, The building known as the Princeton Seminary, situate in the town of Princeton, in Caldwell county, and in the State of Kentucky, has gone so much to decay as to be unfit for school purposes; and whereas, the corporation known as the Princeton Seminary is the owner of said property, and has not sufficient funds to repair said building; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Mayes, the secretary of the board of trustees of the corporation known as the Princeton Seminary, is hereby authorized, for and on behalf of said board of trustees, to sell and convey to the purchaser the property situate in said town, owned by said corporation, consisting of a lot or parcel of ground, with the buildings and appurtenances thereto belonging; and if the said board of trustees shall desire to exchange said seminary property for other property, the said A. C. Mayes may, for and on behalf of said board of trustees, so exchange said seminary property, and may convey the seminary property to the party with whom the exchange may be made. If said seminary property be exchanged for other

property, the property received in exchange shall be conveyed to the board of trustees of the Princeton Seminary, and it may then be sold and conveyed by the said A. C. Mayes, for and on behalf of said board of trustees. The deed of the said A. C. Mayes shall be sufficient to pass the title of any property he may so sell or exchange.

§ 2. That any and all funds that may arise from any sale for which provision is herein made shall, by the said A. C. Mayes, be turned over to the common school commissioner of Caldwell county for the benefit of the common schools of said county; and the said A. C. Mayes shall immediately report to the Superintendent of Public Instruction the amount so turned over; and said commissioner shall report the amount thus received to said Superintendent in his next annual report.

§ 3. This act shall be in force from its passage.

Approved February 28 1878.

CHAPTER 266.

AN ACT to authorize the employment of a detective police by the county of Fayette.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the presiding judge of the county court of Fayette county shall have, and is hereby given, the power, upon the motion of the county attorney, to authorize the sheriff of said county to employ a detective police force, not exceeding five in number at any one time, to serve in such part of said county as may be ordered by said sheriff, who shall have the hiring, disciplining, and control of said force, and shall keep it constantly engaged in efforts to discover and bring to justice offenders against the law of every grade, and in hunting up evidence for their conviction; in directing the performance of their duties the sheriff shall confer with the county attorney; he shall also make detailed reports, in writing, to the court of claims of the operations of said force.

§ 2. Within fifteen days after the employment of said detective police force shall have been authorized, it shall be the duty of the county judge to call the justices of the peace constituting the court of claims of said county together, at their

usual place of meeting, and with the county attorney explain to them the causes which, in their judgment, required the employment of said detective police force; and if said justices of the peace deem such police force necessary for the protection of the lives and property of the citizens of said county, they shall enter of record an order approving the action of the county judge, and continuing the employment of said police force as long as they believe the public good will be subserved thereby. If, however, they do not think such a force necessary, they shall enter an order discontinuing the employment of the same. Said court of claims so assembled shall also fix the pay of said police at a rate which will enable the sheriff to procure good men for the service. Said police shall be paid out of the county levy by the collectors thereof upon the order of the judge entered upon the order-book of the county court.

§ 3. The court of levy and claims is hereby authorized to levy a special assessment, if necessary, to meet the expenditures incurred under the power herein granted, not to exceed, however, five cents upon each one hundred dollars' worth of taxable property in said county.

§ 4. This act shall take effect from its passage.

Approved February 28, 1878.

CHAPTER 267.

AN ACT for the benefit of John Morton, of Hickman county.

WHEREAS, On the 14th day of March, 1877, his Excellency, James B. McCreary, Governor of this Commonwealth, remitted the State's portion, to-wit: seventy dollars, of a fine that had been imposed upon John Morton, of Hickman county, by the circuit court of said county; but before the proclamation to that effect had reached the sheriff of said county, he had collected the full amount thereof, and paid the same over to the trustee of the jury fund of said county; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventy dollars is hereby appropriated to the said John Morton, for which the Auditor of Public

LAWS OF KENTUCKY.

Accounts is directed to draw his warrant, payable out of any moneys in the Treasury not otherwise appropriated.

§ 2. That this act take effect and be in force from its passage.

Approved February 28, 1878.

 CHAPTER 268.

AN ACT for the benefit of E. J. Stilley, of Fulton county.

WHEREAS, P. A. Stilley, of Fulton county, paid to the clerk of Fulton county, on the first day of November, 1876, the sum of fifty dollars, and took out coffee-house license for twelve months, and on the seventh of December thereafter was killed, and said license was never thereafter used by any one; and whereas, his widow, E. J. Stilley, and her children, are in great need; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-four dollars and eighty-four cents be, and the same is hereby, appropriated to Mrs. E. J. Stilley, to be paid out of any money in the Treasury not otherwise appropriated, and for which the Auditor is hereby directed to draw his warrant.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 28, 1878.

 CHAPTER 269.

AN ACT for the benefit of H. R. Myers and Robert Nickle, of Rowan county.

WHEREAS, An execution issued from the office of the Franklin circuit court on the — day of —, 1861, in favor of the State of Kentucky and against John M. McLawson as sheriff of Rowan county, Kentucky, and Robert Nickle and H. R. Myers and others, his securities; and whereas, said execution was placed in the hands of the sheriff of Rowan county, to-wit: Jas. W. Johnson, and said James W. Johnson levied said execution on one hundred and sixty acres of land as the property of Robert Nickle, and eighty-five acres of land as the property of H. R. Myers, and afterwards,

to-wit: on the 11th day of November, 1862, there issued from the said office of the clerk of the said Franklin circuit court a *venditioni exponas*, directed to the sheriff of Rowan county, commanding him to sell the property levied on under the *fi. fa.* aforesaid; and whereas, the said sheriff of Rowan county aforesaid, after due advertisement, did sell to the highest bidder, at the court-house door in the town of Flemingsburg, in Fleming county, on a county court day, the aforesaid tracts of land, and W. O. Phillips, as agent for the State, being the highest and best bidder, became the purchaser for the State at the price of \$150 (one hundred and fifty dollars) for the one hundred and sixty acres of R. Nickle's, and (\$150) one hundred and fifty dollars for the eighty-five acres of H. R. Myers, all of which is shown by said sheriff's return on said *venditioni exponas*; and whereas, the said Robert Nickle, believing that the said W. O. Phillips aforesaid was the agent of the State, and the proper person to pay the money to in redemption of his land, did, on the 24th of May, 1864, and on the 20th of June, 1864, and at the August term of the Rowan circuit court, 1864, pay to the said W. O. Phillips, as agent aforesaid, the aggregate sum of two hundred and sixty dollars, which is evidenced by his receipt therefor, which amounts were in full of the purchase price for said land; and whereas, the aforesaid H. R. Myers, believing that the said W. O. Phillips aforesaid was the agent of the State and proper person to pay the money to in redemption of his land, did, on the 17th day of September, 1864, cause to be paid to the said W. O. Phillips, as agent aforesaid, the sum of two hundred and fifty-two dollars (\$252), which is evidenced by his receipt therefor, which is more than the purchase price for said eighty-five acres of land; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in view of the facts set forth in the foregoing preamble, the lands of Robert Nickle and H. R. Myers, described in said preamble, are hereby released from all claim or claims of this Commonwealth whatever.

§ 2. This act shall take effect from its passage.

Approved February 28, 1878.

CHAPTER 270.

AN ACT to amend and reduce into one the several acts in relation to the town of Lawrenceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary. § 1. That the corporate limits of the town of Lawrenceburg be, and are, established as follows, viz: in the form of a square, whose sides shall run north, south, east, and west, and measure seven hundred and seventy yards, and whose center shall be the center of Main and Allen streets at their crossing in said town.

Trustees — when and how elected. § 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in seven trustees, who shall be elected annually on the first Saturday in August by the legal voters of said town; said trustees shall hold their offices for the term of one year and until their successors shall be elected and qualified; that the said trustees, before they enter upon the duties of said office, shall take an oath before some justice of the peace, or before some other person authorized by law to administer an oath, that they will faithfully and without favor or affection to any one, discharge the duties of trustees to said town during their continuance in office; that in case a vacancy shall occur in said board of trustees, the said board shall have power to fill the same; that no person shall be a trustee of said town who is not at the time of holding the same a citizen thereof, and who has not resided therein at least twelve months previous to his election.

Name and style. Corporate powers. § 3. That said trustees and their successors in office shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Trustees of Lawrenceburg;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended in all courts and places, and may use either a common or private seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession may lawfully and rightfully do.

Regular meetings. § 4. That the trustees may, from time to time, fix and regulate by their by-laws the times and places of the regular meetings of the board, and also prescribe the mode in which special meetings may be had, and may inflict a penalty not

exceeding two dollars on any member for non-attendance at any one meeting; and may appoint one of their number chairman of the board of trustees, whose duty it shall be to inspect the conduct of the subordinate officers of the town, and to cause the laws and ordinances of said town to be executed and put in force, and as far as is in his power to cause all negligence, carelessness, and positive violation of duty to be duly presented and punished; he shall have power to call special meetings of the board at any time; he shall preside at all the meetings of the board; but in case of his absence, any one of the members of said board may preside at any one meeting; it shall also be the duty of the chairman to communicate to the board all such information, and recommend all such measures as may tend to the improvement of the streets, police, health, security, cleanliness, comfort, and ornament of the town.

Chairman of
board—his pow-
ers and duties.

§ 5. That the said board of trustees and their successors shall have power and authority to take, receive, and hold real, mixed, and personal estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of said town; and may use, appropriate, lease, or sell the real or personal or mixed estate, which may be so taken and received by them, or which is now held by or has been conveyed to the board of trustees of the town of Lawrenceburg, in such manner and upon such terms as they may deem expedient: *Provided, however,* That no sale or lease shall be made of any real estate unless the same be sanctioned at the same meeting by the votes of six trustees, and whose vote shall appear recorded in full upon the records, giving the names of those who voted for and the names of those who voted against it.

May hold real
estate.

§ 6. That the said board of trustees, and their successors in office, shall have full power and authority to maintain and to carry into judgment and execution any action or actions of trespass for any injury done to any property, real, personal, or mixed, belonging to said town; and may in like manner maintain and carry into judgment and execution any other appropriate action or actions for the recovery of the same, or damages for the detention, taking, injury, or destruction of the same.

May maintain
streets.

§ 7. That the board of trustees shall have power and authority to clear the streets, alleys, sidewalks, and passways, in said town, of all obstructions; to erect and sink cisterns, wells, and

May improve
streets, alleys,
&c.

May abate nuisances, &c.

pumps, keep open all springs in said town, and declare them free by verdict of a jury to be empaneled before the police judge for that purpose, except springs belonging to private persons, or upon private property; they shall also have the power and authority to preserve and protect, free from encumbrance, all the public grounds and improvements in said town; they shall have full power and authority to remove and cause to be removed and abated any nuisance in said town, and to regulate the storage or removal of any combustible or unwholesome material that may injure the health, or tend to diminish the comfort of the citizens or the security of their property; they shall also have the power and authority to cause any chimneys, flues, stove-pipes, or fire-places, that in their judgment may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity; they shall also have power and authority to cause the owners or occupiers of property fronting on streets or alleys, to keep the streets or alleys in front of them clear and free from dirt or filth; and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by the board of trustees, the said trustees may have their orders executed at their own expense, and the cost and charges thus incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the board of trustees, by warrant for the same before the police judge, or by a suit in the Anderson quarterly or circuit court.

May cause town to be ornamented

§ 8. That the said trustees may cause the said town and the grounds belonging to said town to be ornamented in such manner as they may deem expedient with fencing, trees, and shrubs, and the necessary protection of said trees and shrubs; and if any person or persons shall willfully injure said trees, shrubs, or fencing, or any part thereof, or the boxing for the protection of the same, each person so offending shall, for every such offense, be subject to a fine of not less than one nor more than fifty dollars, to be recovered by the said trustees, in their name and for their benefit, by warrant before the police judge.

Free school.

§ 9. Said trustees shall have full power to purchase and erect the necessary ground and buildings for a free school in said town, and make all necessary regulations in relation to

said school and the government and carrying on of the same. They may establish fire companies in said town, and confirm the officers elected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of fire buckets as they may think necessary, and make such regulations as they may think necessary in relation to said companies. They shall have power and authority to establish a watch-house and a work-house, or either or both, as they may deem expedient, and appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons, and take them before the proper tribunal, to be dealt with according to law. All persons who may be confined, by order or judgment of the police judge or justice of the peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offenses against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants, may, by the order of the said police judge or justice of the peace, if he think proper to make such order, be confined in said work-house at hard labor, and shall be discharged when the terms of their confinement have been complied with, or the time thereof has expired; they shall also have the power to establish a pest-house or hospital; and, when they think necessary for public safety, place therein all persons infected with malignant or contagious diseases.

Establish fire
companies.

Watch-houses,
watchmen, &c.

§ 10. That the board of trustees of the town of Lawrenceburg shall have the power to appoint annually a clerk, assessor, treasurer, market-master, surveyor, attorney, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and citizens thereof; and may prescribe the respective duties and affix and pay the respective salaries of said officers; they shall require bond with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, which bond shall be made payable to the board of trustees of the town of Lawrenceburg, and may contain any stipulations and covenants that said trustees may think proper to require or receive; and when executed, shall operate as a mortgage and lien upon all the real and personal estate of such officers and their securities respectively, until all the conditions of said bond are respect-

Officers to be
appointed.

To give bond.

ively complied with; and for a breach or violation of the conditions of any such bonds, the said trustees may sue and recover and have the appropriate judgment and execution by action of covenant or debt in the Anderson circuit court against the parties to said bonds respectively; that said officers and their securities shall be liable for the prompt payment of all sums of money that shall come to their hands; and they and their securities shall be liable to a judgment in the Anderson circuit court in favor of the board of trustees, or any person entitled to money collected by them, in like and subject to the same penalties that sheriffs and their securities are; that said board shall have full power and authority at any time to remove any of said officers or their deputies, and to appoint others in their stead; and when any vacancies occur by the death, removal, or resignation of the chairman of the board or any of the officers, they shall in like manner have full power and authority to appoint others in their stead.

Assessor to be
appointed — his
powers & duties.

§ 11. That the trustees shall appoint from among the citizens of said town an assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof, whose duty it shall be to call upon all taxable persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor; the assessor's list shall be taken so as to include all the real estate of said town, and all free males over twenty-one years of age, except those now exempt by law, together with all other species of personal property, including all articles of property now subject to taxation for revenue purposes, except spectacles, watches, and pianos; if any person shall refuse to give in a list of their property, or be absent, the assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner whereof may be unknown, it shall be the duty of the assessor to report that fact especially on his list, together with the value of the property; he shall, on or before the first day of March in each year, complete and return the list so taken to the board of trustees; upon the return of the list by the assessor, the trustees shall give notice that any persons who may feel themselves aggrieved by the valuation of the assessor, may appear before them at a stated meeting,

to be held for such purpose on or before the first day of April in each year, with their evidence, to show the true valuation of such property; and the trustees, on such proof being made to them, may change such valuation.

§ 12. That the said board of trustees may annually lay and levy the taxes for the current year, and direct the time within which the same shall be paid at the first meeting of the board after the assessor returns his list; or if anything should prevent the levy and tax from being then made and levied, the same may be done at the next or any subsequent meeting of the board.

May levy annual tax.

§ 13. That on or before the first day of May in each year, the clerk of the board of trustees shall receive, file, and preserve the assessor's list, with any corrections that may have been made therein by the board of trustees; and the said list thus received, or copies thereof, attested by said clerk, shall be received in evidence in any court of justice, shall be *prima facie* evidence that the assessor has complied with all the duties prescribed to him by law, and shall also be *prima facie* evidence that all the laws in relation to fixing and adjustment of the taxes have been regularly complied with by the board of trustees and of its officers.

Clerk of board to file assessor's list

§ 14. That the treasurer appointed by the board of trustees shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, to the satisfaction of the trustees, which bond shall be conditioned to pay over all moneys which may come to his hands as treasurer to the trustees or their order, and to perform all the duties imposed on him by the law as treasurer, and may contain such stipulations as the board may think proper to require. The treasurer shall receive and receipt for all the moneys paid to the board of trustees by any one authorized by said board to collect the taxes, dues, and demands of said town; he shall keep a fair record of all the fiscal concerns of the board, and record in order the appropriations of said board as certified to him by the clerk, and pay the same according to their order; he shall pay no moneys without receiving a copy of the resolution of the board of trustees making such appropriations, and he shall file all received by him for settlement by resolution of the board; his book shall at all times be open to the inspection of persons having claims upon

Treasurer to give bond, his powers and duties.

the board upon reasonable notice; he shall, on the tenth day of July in each year, report to the board of trustees a true list of all the moneys received by him, with a list of all the moneys and dues that remain unpaid at that time; he shall be allowed such compensation for his services as the board of trustees may direct, not exceeding three per cent., on all moneys received by him; he shall also, when required by an order of the board, attend and report to said board the condition of the treasury, and shall at all times be ready for a settlement.

Clerk to take
oath—his powers
and duties.

§ 15. That the clerk appointed by the said trustees shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute bond, with such conditions and with such security as shall be required by the board. It shall be his duty to preserve the books, papers, records, and everything belonging to his office, and deliver the same to his successor in office. He shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll books annually, and shall record all the acts, resolutions, and orders of the board. He shall take all bonds, agreements, and records, and preserve all contracts and agreements made between the board of trustees and other persons. He shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board. He shall file and preserve annually the assessor's book. He shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the treasurer on or before the first day of April annually; and he shall file and preserve the report of the treasurer; and he shall make out and place in the hands of the marshal or collector, when one has been appointed, on or before said first day of April, annually, a list of the persons and property by whom or on which taxes and dues to the town remain unpaid, and the amount of the same respectively, and take a receipt for the same. He shall have full power to administer oaths in all cases when oaths may be necessary. His compensation shall be fixed and allowed by the board.

Marshal to be
elected—his powers
and duties.

§ 16. That a marshal shall be elected annually on the first Monday of August in each year, in the same manner as constables are elected, and by the citizens of the town who are

qualified voters by the laws of the State; and a poll shall be opened on the poll-books at the county election for the election of said marshal; and he shall take an oath faithfully to discharge the duties of his office, and shall give bond, with approved security, in a sum not less than three thousand dollars, conditioned faithfully to discharge his duties, and which bond may contain any other conditions that the board may think proper to require; he shall have full power within the county of Anderson to serve all process and precepts to him directed from the police judge, and make due returns thereof; he shall have full power within the county of Anderson to collect the taxes, dues, and demands of said town, in the same manner that sheriffs have to collect the county levy and State revenue, whenever the board of trustees may place the same in his hands for collection; he may levy and perfect executions upon all orders and judgments of the police judge; serve and execute all orders and notices issued or made by the board, and make due return on the same; he shall be entitled to the same fees and per cent. for collecting the tax of said town penalties and forfeitures as sheriffs and constables are in like cases, when it is not otherwise provided for by this act or by order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant or warrant for a riot, rout, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury before the police judge; and in all other cases his fees shall be the same as those allowed by law to constables for like services; he shall be subject to the same proceedings and liable to the same penalties as sheriffs and constables are in like cases, for non-performance of any of the duties enjoined by this act; he shall have the power to appoint a deputy marshal, by and with the advice and consent of the board of trustees, whose powers and duties shall be the same as the marshal's, and the marshal shall be responsible on his bond for all the acts of such deputy. Should the marshal, during his incumbency in office, remove permanently from the town, or absent himself therefrom for the space of one month, the board of trustees shall have power to declare said office vacant, and the next meeting thereafter shall proceed to appoint some suitable person to fill said vacancy: *Provided, however,* That when a deputy has been appointed, he shall fill the office during a temporary absence of the marshal. It shall be the duty of

the marshal to make regular reports, in writing, to the board of trustees, whenever required to do so by the by-laws of the town or the resolutions of said board, and do such other duties as required by said by-laws or the resolutions of said board.

Collector may be appointed.

§ 17. That the board of trustees of the town, when they may deem it expedient, may appoint some other person than the marshal collector for the town of Lawrenceburg, whose duty it shall be to collect all the taxes, dues, and demands of the town, and do such other acts as may be required of him by the by-laws of the town.

Town attorney may be appointed.

§ 18. That the board of trustees shall have the power to appoint an officer, to be called the attorney for the town of Lawrenceburg, whose duty it shall be to advise and counsel the board to prosecute and defend all suits for the use and benefit of the trustees of the town of Lawrenceburg, and the county attorney shall have no right nor power to prosecute or defend in such cases, nor be allowed fees therefor; the said attorney to be removed at the pleasure of the board of trustees, and to receive for his services a salary to be fixed and allowed by said board.

Police judge—his powers and duties.

§ 19. There shall be elected by the qualified voters of the town of Lawrenceburg a judicial officer, to be styled a "Police Judge of Lawrenceburg," who shall hold his office for four years; his term of office shall expire at the same time with the office of the county judge of Anderson county; and elections to fill said office shall be held at the regular August election; vacancies in said office shall be filled by the board of trustees of said town until the next regular election. The said police judge, before he enters upon the duties of his office, shall take an oath, before some justice of the peace or before some person authorized by law to administer an oath, to discharge the duties of said office faithfully and impartially, to the best of his ability, without favor, affection, or partiality to any one, together with such oaths as public officers are required by law to take. The said judge shall have jurisdiction within the said town and county of Anderson of all misdemeanors, and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction; and that in criminal or penal cases he shall have the jurisdiction now given by law to two justices of the peace, and shall proceed in the same manner that justices of the peace are required to

proceed in such cases; he shall have full power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail in all cases originating before him in which bail is or may hereafter be authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, unlawful assemblies, and all cases of indecent or immoral behavior or conduct calculated to disturb the peace and dignity of said town, over all cases of drunkenness, running horses, profane swearing, firing guns or pistols, making report by burning powder or matches, or crackers, or otherwise, blowing horns, flying kites, crying aloud, by day or night, and all other riotous conduct whatever within said town—all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the powers granted them by law; he shall have power to order the marshal to summon a jury in any case cognizable before him when a jury would be required before the circuit court or a justice of the peace; and in all cases when the amount of the fine is not or may not be fixed by law, the same shall be ascertained by the verdict of a jury; he shall have power to issue summons for witnesses in cases pending before him; upon their failure to attend, may award compulsory process to compel their attendance; he shall have power, without the intervention of a jury, to fine and imprison for contempt: provided, the fine does not exceed ten dollars, nor the imprisonment twelve hours; it shall be lawful for him to take depositions and certify the same when they are to be read as evidence in any cause pending in any court in this Commonwealth; he shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain justices of the county courts to grant injunctions, writs of *ne exeat* and *habeas corpus*; he shall have full power to administer oaths in all cases wherein justices of the peace are required and authorized so to do; and he shall have the right, where

the town marshal may be interested or otherwise incapacitated from serving, to appoint an officer to serve the process of his court, and do any duty necessary to carry out the power vested in said police judge by law; said person shall take an oath and give good security for the faithful discharge of his duty, and may be sued thereon by any one aggrieved by his wrongful acts; he may be removed at any time by the appointing power; he shall be allowed the fees allowed the town marshal for like services; he shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as the records of the justices of the peace, and shall, in all other matters not herein mentioned, have concurrent jurisdiction with justices of the peace, and be governed by the same laws and regulations. All trials before the police judge shall be held and had in the town of Lawrenceburg; he shall make out a full report to the board of trustees, at the first meeting in July of each year, of all cases for the violation of law brought before him for trial, with the amount of fines imposed, showing those which have and those which have not been collected or paid, together with the amount of his fees of said cases.

Process—how
issued and re-
turnable.

§ 20. That the police judge shall issue his process in the name of the Commonwealth as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Lawrenceburg; the same shall be directed to the marshal or to any constable or sheriff of Anderson county, and shall be executed and returned by the marshal, constable, or sheriff, as the case may be, under the same penalties as other process from justices of the peace: *Provided, however,* That when any prosecution is instituted and carried on at the instance of the board of trustees, the warrant shall state that it is issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said trustees shall be liable for such costs as may be adjudged in favor of the defendant or defendants; the police judge shall be entitled to fee of one dollar for a peace warrant, or for a warrant for a riot, rout, breach of the peace, unlawful assembly, affray, for any misdemeanor, for a breach of any of the laws in relation to the town of Lawrenceburg, or of any by-laws or ordinances of the board of trustees; he shall be allowed fifty cents for all injunctions, restraining orders

against absent defendants, writs of *ne exeat*, *habeas corpus*, respectively; and in all other cases, his fees shall be the same as those of a justice of the peace for like services.

§ 21. That the board of trustees of the town of Lawrenceburg shall have power and authority to assess, levy, and collect annually, a tax on all real and personal estate within the limits of said town, not to exceed fifty cents on the one hundred dollars' worth of property; also to levy and collect a poll-tax not exceeding two dollars on all persons now subject to county levy; they may tax all theatrical performances, shows, and exhibitions of all kinds whatever, in any sum not exceeding twenty dollars for each performance within the town of Lawrenceburg, or within one mile of the limits thereof; they shall have power and authority to tax all auctioneers in a sum not exceeding ten per cent. for all goods, wares, and merchandise, and articles sold to bidders within said town, except property sold by citizens of their own manufacture, or by order of court or by executors, administrators, or guardians, and shall have a lien on all the articles sold or to be sold for said tax until the same is paid, or the persons selling the same take out license for that purpose; they shall have power to license all auctioneers; they shall have power and authority to have all stores and groceries within the limits of the town to be classed first, second, and third, and to levy and collect a tax not exceeding fifteen dollars on class number one, and class number two ten dollars, and class number three five dollars annually; and when stores are so classed and taxed, the goods therein shall not be valued and included in the assessment of property for taxation in said town; the said trustees shall have all the rights and power to collect the taxes of said town that is now given by law for the collection of State taxes.

May levy and collect taxes.

§ 22. That from and after the passage of this act, the board of trustees of the town of Lawrenceburg, in Anderson county, shall have the exclusive right to license all taverns, groceries, retailers, druggists, victualers, confectioners, and houses of public resort, except gambling-houses and houses of ill fame, within the town of Lawrenceburg, or within one mile of the limits thereof; and such license shall only be granted at the discretion of the board of trustees of said town; and any law giving the county court of Anderson county the power to grant tavern license within the limits of

Trustees to have exclusive right to license taverns, &c.

In relation to
sale of liquors in
said town.

said town, or within one mile thereof, is hereby repealed; and it shall not be lawful for any person to sell spirituous, malt, or vinous liquors in quantities less than a quart, within the limits of the town of Lawrenceburg, or within one mile thereof, until such person has applied to, and obtained from, the board of trustees of said town a license so to do; nor shall any person within the limits of said town, or within one mile thereof, sell spirituous liquors in quantities of a quart or over until such person shall have obtained from said board of trustees a license so to do; nor shall it be lawful for any druggist or apothecary to sell spirituous liquors within the limits of said town, except for medicinal purposes, until such druggist or apothecary shall obtain from the board of trustees of said town a license so to do; and shall also take an oath, to be administered by the chairman of said board of trustees, that he or they will not sell spirituous liquors under said license, except for medicinal purposes; and said trustees may, in their discretion, grant or refuse such license; and shall have power to fix the amount to be paid for such license, which said trustees may increase or diminish at pleasure, and which they shall have power to demand annually from the persons thus licensed: *Provided*, That nothing in this act contained shall affect any existing license until the same shall expire by their terms, or shall release any such houses from paying State tax; and that where a State tax is imposed by existing laws, no license from said trustees shall authorize the sale of liquors until such persons shall have complied with the law imposing State tax: *Provided*, That the amount fixed by the said trustees to be paid for license to sell liquors in quantities less than a quart, except in case of a druggist or apothecary, shall not be less than fifty nor more than two hundred and fifty dollars; and the amount fixed by said trustees to be paid for a license to sell liquors in quantities of a quart and over, shall not be less than twenty-five nor more than one hundred dollars; and the amount fixed by said trustees to be paid for license by any druggist or apothecary shall not be more than ten dollars; and no license granted hereunder shall be for more than one year, and the amount required therefor shall not be increased until said license shall expire.

Not to affect
existing license
nor exempt from
paying State tax.

Amount to be
paid for license.

In granting
license, how trust-
ees to be gov-
erned.

§ 23. That in granting license provided for in this act, the said board of trustees shall be governed by the law now in

force in relation to the granting of license for the sale of spirituous liquors, so far as the same is not repealed or modified by this act. All bonds shall be taken by the clerk of the board of trustees for such license, and an oath administered by him as is required to be administered by clerks of the county courts.

§ 24. That if any coffee-house keeper, tavern-keeper, retailer, druggist, victualer, or other keeper of a house of public resort, where spirituous, malt, or vinous liquors may be offered for sale, shall presume to carry on their business without applying for, and paying for, the license provided for in this act, it shall be lawful for the said trustees to sue for and recover of such offending person, before the police judge of said town, or before the county judge, a sum equal to the amount required by said trustees to be paid for such license, with costs, and which may be collected by the town marshal or the sheriff of the county, for the use and benefit of said town; and in the collection of such judgments, the officers shall be governed by the laws now in force in relation to the collection of fines, &c.

Penalty for selling without license, and how recovered.

§ 25. That the board of trustees shall have the power and authority to suspend, either indefinitely or for a limited period, any license which may have been granted to any tavern-keeper or other vendor of spirituous, malt, or vinous liquors, whenever they shall be satisfied that the keeper of such house has permitted unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed, or has permitted any person to tipple or drink to intoxication therein: *Provided*, That no such license shall be suspended until the keeper of such house has had five days' previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person whose license shall have been thus suspended by said board shall afterwards sell by retail any spirituous, vinous, or malt liquors, he shall be deemed guilty of keeping a tippling-house.

Trustees may suspend license.

Notice to be given before suspension.

Penalty for selling after suspension.

§ 26. The board of trustees shall have power to suppress, by ordinances, with suitable penalties, all tippling houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous liquors and wines, and disturbances of the peace and tranquility of the town, and have the power to pass all needful ordinances and by-laws for carrying into effect the powers

May suppress tippling-houses, &c.

herein granted, and executing all the provisions of this act, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbance of religious worship, riots, breaches of the peace, and tippling-houses, where the penalty may be one hundred dollars; but all fines for offenses other than violations of town ordinances shall be paid as now provided by law.

§ 27. The police judge of Lawrenceburg, or any other magistrate of Anderson county, shall have jurisdiction of all cases arising under this act, or under the ordinances passed in pursuance thereof; and all licenses, fines, or other penalties assessed under this act, may be collected by the town marshal, or by the sheriff or any constable of Anderson county, and shall be paid over by them to the treasurer of said board, and the same shall be held for the use and benefit of said town of Lawrenceburg.

May tax domestic animals.

§ 28. That the trustees shall have power to impose a tax upon all domestic animals in said town.

Further powers of trustees.

§ 29. That the said trustees shall exercise and possess all the powers and privileges which by the general laws of the land in relation to towns are granted to trustees; and shall have full power and authority to make all necessary by-laws and regulations, for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order, and security of said town and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the police judge, provided the same are not contrary to the Constitution and laws of the land. No suits shall be instituted against the said trustees, unless the same is instituted in the county of Anderson, and service of process on the chairman of the board shall be sufficient.

Annual report to be made and published.

§ 30. That said board of trustees shall cause a copy of their annual receipts and disbursements of moneys to be published in some newspaper published in said town, or otherwise, which publication shall be made immediately after the annual settlement with their treasurer.

Trustees may open streets and alleys.

§ 31. That whenever the public convenience may, in the opinion of the board of trustees, require any street, alley, lane, or highway to be opened, laid out, extended, changed, straightened, or altered, they may obtain, by purchase from the owners thereof, such real estate as may be necessary there-

for; that in all cases where they cannot obtain by purchase such real estate, they shall have power to cause to be filed a petition in the Anderson circuit court, describing the same, and a writ of *ad quod damnum* shall be awarded by the court, directed to the marshal of the town: *Provided*, That all persons having an ownership or interest in such real estate shall be made defendants to said petition; and persons under disabilities and non residents shall be proceeded against as required by the Civil Code of Practice.

May condemn ground for said purpose.

§ 32. The board of trustees may, from time to time, direct and require the owners of lots, or parts of lots, in said town, when the same fronts on a street or alley, to cause the same to be curbed and paved with sidewalks in front of their respective lots or fractions of lots, of such width, and of such materials, and in such manner, and at such elevations, as the board may deem expedient; and also to repair the same in such mode and manner as they may direct; and also to grade and pave and macadamize one half of the street or alley in front of the whole line or lines of their said lots or fractions of lots, in such mode and manner as the trustees may direct. If the owner or owners of said lots or fractions of lots shall fail or refuse to have the same repaired, curbed, paved, graded, macadamized, or furnished with sidewalks, within the time or manner prescribed by said trustees, it shall be lawful for the said trustees to have the same done at their own cost and charges; and the cost and charges thus incurred and expended by said trustees shall be taken and be a tax upon said lots and fractions of lots, and the owners thereof, respectively, in proportion to the amount which the costs of the whole improvements under said order leaves to the length of said lots or fractions of lots respectively. Notice of such order or direction for repairing, grading, macadamizing, or furnishing it with sidewalks, shall be given by publication in some newspaper of the town by six publications; and a copy of said order or direction, accompanied by the affidavit of the printer that the same has been published agreeably to the provisions of this act, may be recorded in the clerk's office of the county court of Anderson, and shall be *prima facie* evidence that said direction was given and publication made as prescribed by this act; and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

Powers of trustees over streets and alleys.

Penalty for
bribery and cor-
ruption of trus-
tees.

§ 33. If a member of the board of trustees, or if any officer of the town, shall take, or agree to take, any bribe to do, or omit to do, any act in his official capacity, he shall forfeit his office, and be fined in any sum not less than two hundred nor more than one thousand dollars, to be recovered by civil procedure before any judicial tribunal having jurisdiction, or upon indictment or presentment of a grand jury.

Present trustees
to remain in
office until suc-
cessors are qual-
ified.

§ 34. That the present trustees, and all other officers of the town, shall continue in office until their successors are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges, which the trustees and officers to be elected under this act will possess.

§ 35. That this act shall not invalidate any legal act done by the board of trustees of Lawrenceburg, or by its officers, prior to the passage of this act; and all ordinances and regulations now in force in said town, not inconsistent with this act, shall remain in full force until altered, modified, or repealed by the board of trustees after this act shall take effect.

§ 36. No suit shall be instituted against the trustees unless the same shall be instituted in the county of Anderson.

§ 37. That all acts inconsistent herewith are hereby repealed.

May take stock
in gas company
and for other
purposes.

§ 38. Said board of trustees shall have power to take stock in any company for the purpose of supplying said town or the citizens thereof with gas, or for the purpose of establishing a cemetery for the use of said town or the county of Anderson, or may enlarge the present cemetery belonging to said town, or purchase ground at any place within two miles of said town for the establishment of a new cemetery, and provide for the inclosure or decoration thereof; and shall have power to do anything necessary for the comfort and convenience of said town or the inhabitants thereof; and for the purpose of paying for any such stock or improvement, shall have power to issue the bonds of said town, which bonds shall be in such amounts, and principal and interest payable at such place or places, as said board of trustees may direct: *Provided*, That said bonds shall not bear more than eight per cent. interest per annum; and that no greater amount of the same shall be issued than will leave the said town indebted at any one time in an amount larger than five thousand dollars; said trustees shall have power to sell said bonds, but they shall not in any event be sold for less than par, nor shall

they be executed so as to run for more than ten years. For the purpose of paying the interest and for providing for the payment of the principal of said bonds, the said trustees may levy an additional tax of not more than twenty cents on the taxable property of the said town, which shall be collected and accounted for as other taxes, but which shall be applied to the specific purpose only for which they are levied and collected.

§ 39. All male inhabitants of the town of the age of twenty-one years and upwards, who shall have been bona fide residents thereof for one year next preceding any election, and who shall not be in arrearages for taxes due the town, or for fines imposed under the ordinances of the town, shall be deemed legal voters, and shall have the right to vote in any election hold under this charter.

Qualifications of voters.

§ 40. The police judge of said town shall hold twelve terms of his court each year for the trial of civil cases within the jurisdiction of said court, which shall be holden on the third Saturday in every month, and may continue until the business of the court shall be completed.

Police judge to hold terms for the trial of civil causes.

§ 41. No appropriation shall be made by the trustees which will require the execution of the bonds mentioned in section thirty-eight until the proposition for making the same shall have been submitted to an election of the legal voters of the town, and it shall be approved by a majority of said voters; said election shall be held as other elections are required to be held under this charter, after notice published in some newspaper in said town by not less than two insertions.

How appropriations mentioned in section 38 to be made.

§ 42. This act shall take effect from its passage.

Approved March 2, 1878.

CHAPTER 271.

AN ACT to incorporate the Louisville, Anchorage, and Bloomfield Narrow Gauge Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a body-politic and corporate, under the name of and style of the Louisville, Anchorage, and Bloomfield Railway Company; and by that name shall have perpetual succession; may con-

Name and style.

Corporate
powers.

tract and be contracted with, sue and be sued, plead and implead, answer and defend, in any and all courts and places as a natural person. Said company may also have and use a common seal, and may alter and change the same at will; and it shall have all other lawful powers usual and incident to railroad corporations in this Commonwealth, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

Commissioners
to open books.

§ 2. That J. C. McFerran, James Callahan, P. G. Barbour, J. Netherton, John T. Bate, Jas. S. Bates, jr., Wm. Young, S. J. Hobbs, James Trigg, Richard Waters, and G. W. Burton, or such of them as may choose to act, are hereby constituted and appointed commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem proper.

Capital stock.

§ 3. The total capital stock of said company may be an amount (not exceeding seven hundred thousand dollars) necessary for the construction and equipment of said railway, and the same shall be divided into shares of (\$100) one hundred dollars each, and may be purchased, owned, and controlled by companies, corporations, or individuals.

Directory—
when to be
elected.

§ 4. Whenever subscription of stock to the amount or value of ten thousand dollars shall have been made to the capital stock of said company, the commissioners herein appointed shall give at least two days' notice thereof, in one or more newspapers published in the city of Louisville, Kentucky, notifying the subscribers to assemble at some convenient time and place, for the purpose of electing a board of directory for said company, which board of directory shall consist of — members; and such of them as shall have paid (\$5) five dollars in cash upon each share of stock subscribed by them, respectively, shall be qualified and entitled to vote for said directory. They shall then proceed to elect from their own numbers said directory. No person shall be declared elected a member of the directory for said company, unless he shall have received a majority of all the votes cast. Said directors shall hold their position as a board of directory for one year, and until their successors are elected and qualified.

President to be
elected.

§ 5. That the board of directors may elect the president from among their own number, or from among the other

qualified stockholders. Said board of directors shall be elected annually by the qualified voters of said company.

§ 6. That no person shall be elected to the office of president or director for said company, who does not own at least five shares of the capital stock thereof.

President or director to own five shares of stock.

§ 7. After the organization of said company, by the election of a board of directors and president, as hereinbefore provided, the management and control of the property and business affairs of said company shall pass and be committed to said president and directors and to their successors in office.

Management to be controlled by president and directors.

§ 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its property and business affairs, as they may deem proper, not inconsistent with this act or with the Constitution and laws of the United States and the Commonwealth of Kentucky, and alter, amend, and repeal the same at will; they may prescribe therein the number of directors necessary to constitute a quorum for the transaction of business; they may also appoint an executive committee, to consist of the president and three or more directors; and said committee may, when the board is not in session, exercise all the powers and rights vested in the president and directors, except where it has been otherwise provided for by law. Said board of directors shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred.

May make by-laws.

§ 9. That the president and directors of the said Louisville, Anchorage, and Bloomfield Railway Company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway, with double or single track, turnouts, and switches, with a line of telegraph from such a point on the Louisville, Harrod's Creek, and Westport Narrow Gauge Railway as they may select; thence through the counties of Jefferson, Shelby, Spencer, and Nelson to the town of Bloomfield, in Nelson county: *Provided, however,* That the line of said road shall pass through the grounds belonging to the Commonwealth of Kentucky upon which the Central Kentucky Lunatic Asylum, near Anchorage, is located, and as near the buildings of said asylum as may be practicable, provided said railway company can obtain the right of way through said grounds; and the com-

Powers of president & directors.

missioners of said asylum are hereby authorized and empowered to grant the right of way through said grounds belonging to the State of Kentucky to said railway company, upon such terms and conditions as they may deem best for the interest of the State of Kentucky and the good of the asylum.

Books to be kept open until the whole of stock is subscribed.

§ 10. That it shall be lawful for the president and directors of said company to keep open the books for subscription to the capital stock of said company until the whole of said stock is subscribed; and that they may receive subscriptions to said stock, payable in contracts to build any part or parts of said road, or any bridge or bridges on the same, or to perform any work, or to furnish any materials, which may be necessary or desirable for the construction or equipment of said road.

May receive subscriptions payable in real estate

§ 11. That it shall be lawful for the president and directors of said company to receive subscription to the capital stock of this company, payable in real estate situated in any county through which said road may run: *Provided*, Said real estate shall be taken at its cash value, to be determined by three commissioners, on oath, of whom two shall be selected by the president and directors of the company, and one by the person proposing to subscribe. Upon their report in writing, describing the lands, and assessing their cash value, the company may receive the same at their assessed value and issue a stock certificate, and may take a deed of conveyance in fee-simple; and the real estate thus acquired may be held, used, enjoyed, or sold or conveyed by said company, as by a natural person.

In relation to acquiring right of way, &c.

§ 12. That, upon application by said company to the county court of any county into or through which it is proposed to construct said Louisville, Anchorage, and Bloomfield Railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material shall be owned by any person not a resident of said county, or who is a *feme covert*, an infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and to fix the

amount of compensation to which the owner or owners of such land or other material shall be entitled; and to make out and return to the office of the clerk of the county court, a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether said owner is a resident of the county, and whether a *feme covert*, an infant, or non-sane person. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such lands to appear and show cause why the report of said commissioners should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be impaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land or material sought to be condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but, in estimating damages resulting incidentally to the other land or other property of such owners, they shall offset the advantage to such residue to be derived from the building and operating of said road by, through, or near such residue: *Provided*, That land condemned for roadway shall not be more than one hundred feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers, stating that a greater width is necessary, and

how much more is required, when the inquisition shall be for the quantity thus stated.

May use and occupy lands, material, and other property.

§ 13. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road, or their necessary works on buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed as hereinbefore prescribed; and it shall not be necessary after such view, in order to the use and occupation of the same, to wait the issue of proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

Transportation of freights, &c.

§ 14. That said company, when said road is completed from some point on the Louisville, Harrod's Creek, and Westport Railroad to Anchorage, may, as common carriers, charge such a rate for the transportation of freights and passengers as the company may deem just: *Provided*, Said rate shall not exceed four cents per mile for passengers, nor exceed the tariff or rate now charged by the Louisville, Cincinnati, and Lexington Railroad Company for all kinds of freights.

Lien given to employees and operators.

§ 15. That the employes and operators of said railway, and persons receiving injury to themselves or property by said road, are hereby given a lien on the rolling stock and other personal property and assets of said company for the payment of their wages or the amount of any contracts entered into by such employes or operators with said company.

May make running arrangements with any railroad company.

§ 16. That it shall be lawful for the said Louisville, Anchorage, and Bloomfield Railway Company to make all needful running arrangements with any railroad company with whom they may connect, upon such terms and conditions as may be agreed upon by the said railway company and any other railroad company they may connect with.

May sell, lease, or consolidate said railway.

§ 17. That it shall be lawful, and the president and board of directors of the said Louisville, Anchorage, and Bloomfield Railway Company are hereby empowered to sell, lease, or consolidate said railway to any railroad corporation with

whom they may connect, upon such terms and conditions as may be equitable to the stockholders of said company

§ 18. That the said board of directors, with their president, are hereby empowered to lease or buy any railroad with which they may connect, upon such terms as may be agreed upon by said railway company and the company or corporation with which they may contract.

May lease or buy any railroad.

§ 19. That the property of said Louisville, Anchorage, and Bloomfield Railway Company, including road-bed and track, rolling stock and machinery, shall not be taxed for State, county, or municipal purposes, until said railway shall have been completed to a point near Anchorage.

When road to be taxed.

§ 20. This act shall take effect from and after its passage.

Approved March 2, 1878.

CHAPTER 272.

AN ACT to amend an act, entitled "An act to incorporate the town of Beaver Dam, in Ohio county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the town of Beaver Dam shall be hereafter as follows: Beginning at a stone on the Elizabethtown and Paducah Railroad, or Paducah and Elizabethtown Railroad, near where it crosses the Hartford and Cromwell road; thence south 194 poles to a stone; thence east 17 poles and 18 links to a stone in Burrell Chick's yard; thence north 10 poles to a stone; thence east 80 poles to a stone in Andrew Austin's field; thence north 204 poles to a stone on the Elizabethtown and Paducah Railroad; thence north 23 west 120 poles to a stone; thence west 32 poles to a stone, corner between Smith and Coleman; thence north 18 west 130 poles to a stone; thence south 75 west 34 poles to a maple in J. S. Coleman's yard; thence south 14½ east 184 poles to a stone at the corner of Wm. Austin's lot; thence south 73 west 114 poles to a stone in J. H. Miller's home-lot; thence south 19 east 74 poles to a stone on the Elizabethtown and Paducah Railroad; thence north 75 east 115 poles with said railroad to the beginning.

Boundary.

§ 2. That the board of trustees shall properly mark said boundary, and cause a plat to be made thereof, and recorded in the Ohio county clerk's office.

Plat to be made and recorded.

Government
vested in five
trustees.

§ 3. That the fiscal and municipal concerns of said town, the government and control thereof, shall be vested in five trustees, three of whom shall constitute a quorum, each of whom shall be not less than twenty-five of age, bona fide residents, citizens and housekeepers of said town.

Term of office.

§ 4. They shall hold their offices for one year, and until three successors are elected and qualified.

Body-corporate.

§ 5. That said trustees and their successors shall be a body-corporate, with all the powers and rights incident to corporate bodies, under the name of the board of trustees of the town of Beaver Dam.

Trustees — when
to be elected.

§ 6. That said trustees shall be elected annually on the first Tuesday in September, which election shall be by ballot, under the direction of the board of trustees, at which all male citizens over the age of twenty-one years, who have been bona fide citizens and residents of said town for sixty days next preceding said election, shall be entitled to vote.

To take an oath.

§ 7. Said trustees, upon receiving their certificates of election, shall take an oath before entering upon their duties as trustees to faithfully discharge all the duties that may devolve upon them, which oath may be administered by any officer authorized by law to administer oaths.

Officers to be
elected.

§ 8. The board of trustees shall have power to elect a chairman, clerk, treasurer, and street overseer, all of whom shall be members of the board except the street overseer, who may or may not be, in the discretion of the board; they may fill all vacancies in their own number, and shall have power to remove any member continuously absent from the meetings of said board for four months; and shall have the authority to remove the chairman, clerk, treasurer, and street overseer, and elect others in room of those removed where the same may seem advisable; they may regulate their meetings from time to time, and hold special meetings when necessary.

Labor on streets.

§ 9. The board of trustees shall have authority to call out for labor on the streets and alleys of said town all the male residents of said town, between the ages of sixteen and fifty years, not exceeding twelve days in each year; and at least two days' previous verbal or written notice shall be given of the time and place of working, by the street overseer or by some person selected by him to give such notice: *Provided, however,* That the street overseer shall be authorized to receive and accept in lieu of said work the sum of seventy-five cents

from each hand for each day's work, if said amount be tendered on or before the day of working, which sum shall be paid to the treasurer and accounted for by him. The town clerk shall furnish the street overseer with an alphabetical list of all male residents of said town liable to work on said streets and alleys. Any person who shall fail to attend with proper tools for the purpose of labor, or refuse to labor when in attendance, shall be fined two dollars for each day he may be so notified to work, to be recovered in the police court of said town, by warrant in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees of Beaver Dam; and if any person against whom such a fine is assessed shall fail to pay the same, it shall be lawful for the police judge of said town to place him at labor on the streets and alleys thereof, under the direction of the town marshal or street overseer, to work out said fine and costs at the rate of two dollars per day for each day's labor.

§ 10. The board of trustees shall have authority to build and erect a safe and commodious prison-house or lock-up in said town, of such form and dimension as they may deem advisable, which shall be placed in charge of the town marshal or such other person as they may select, which shall be used for the confinement of all offenders who may be consigned thereto by the police judge, and for the safe-keeping of such persons as may be consigned to work on the streets and alleys of said town when not at work.

May build a
prison-house.

§ 11. The legal title to all the streets and alleys of said town, and all property which may now or hereafter belong to said town, shall vest in the board of trustees and their successors, for the purpose of keeping the same in order and repair; and they may maintain suit in their corporate name in any court of competent jurisdiction for any injury done or trespass to said property.

Title to streets
and alleys to vest
in board of trustees.

§ 12. In addition to all the powers now conferred by law upon the trustees of towns, they shall have the following powers:

Powers of board
of trustees.

- 1st. To abate any and all nuisances in said town.
- 2d. To remove any dangerous or combustible materials from said town.
- 3d. To remove and order to be removed all defective chimneys and flues.

4th. To set out ornamental trees, build sidewalks and street crossings, repair and keep the same in order.

5th. To open new streets and alleys, and to purchase and condemn land for that purpose, and to widen and extend streets and alleys when necessary.

6th. To maintain, care and provide for, all poor people residing in said town.

7th. To levy an annual capitation tax on all male residents of said town over twenty-one years of age of not exceeding five dollars each.

8th. To levy an annual tax on all property, real and personal, choses in action, and other forms or evidences of wealth in said town, of not exceeding twenty-five cents upon one hundred dollars' worth.

9th. To order the owners of all lots or parts of lots in the business portion of said town to cause sidewalks to be constructed in front of said lots or parts of lots, of such material, and of such form and dimensions, and at such elevations, as they may direct, or to cause the same to be constructed before such lots or parts of lots at the expense of the board when the owners thereof shall fail to construct such walks after reasonable notice; and the board may recover said expenses by suit in the name of the trustees of Beaver Dam from the owners of said lots or parts of lots, and shall have a lien for the expense incurred upon the property so improved, which may be enforced in any court of competent jurisdiction by suit in their name.

10th. To fix the pay, fees, or salary of their officers, themselves, or of their employes.

11th. To appoint an assessor to value and assess the taxable property and wealth of said town, who shall make the assessment after taking an oath impartially so to do, and return the same to the town clerk on or before the first regular meeting of said board in the month of March of each year, together with the names of all persons liable to capitation tax in said town.

§ 13. They shall have power to tax all theatrical performances, shows, and exhibitions in any sum not exceeding twenty dollars for each performance, show, or exhibition; and there shall be in their favor on all the property and effects of such theatrical performance, show or exhibition, a lien for said tax until the same shall be paid; and they shall have power to

May tax shows,
exhibitions, &c.

levy and collect a tax on goods sold by transient merchants and peddlers, not to exceed five per cent. on the gross amount of sales, in the limits of said town, and shall have lien on the goods so sold until the tax be paid, and a lien upon the taxable property and wealth of said town until the town taxes be paid.

§ 14. The board of trustees of the town of Beaver Dam shall have the power to license coffee houses and restaurants, with the privilege of retailing spirituous liquors by the drink, and may levy and collect a tax on such license, not exceeding one hundred and fifty dollars per annum; and said coffee-houses and restaurants shall be subject to such proper regulations and control as said trustees may deem advisable; and they may levy and collect a tax, not exceeding one hundred dollars, on all persons authorized to vend ardent spirits by the laws of the Commonwealth of Kentucky in said town in quantities less or greater than a gallon; and they may, for cause, revoke or suspend any license issued by them in their sound discretion.

May license
coffee-houses and
restaurants.

§ 15. The board of trustees shall have general control and supervision of the streets and alleys of said town, and shall keep the same in order and free from obstructions, and may allow any person indebted to said town for taxes or otherwise to work the same out on the said streets and alleys under the direction of the street overseer, at such rate of compensation as they may deem just and fair.

Shall control and
keep in repair
streets and alleys

§ 16. The board of trustees shall hold a regular meeting in the month of April of each year to revise and correct the assessor's book, at which any person assessed may appear, and such alteration may be made in the assessor's valuation as may seem advisable.

§ 17. The assessor's book shall be listed, with the rate of taxation affixed, showing the amount due from each individual, corporation, or company, with the town marshal for collection on or before the first Monday in May of each year.

Assessor's book
to be listed with
town marshal.

Town Marshal.

§ 18. There shall be elected in said town a marshal at the annual September election in each year, who shall have the same qualifications as the trustees, and who shall be *ex officio* tax collector of said town, and have all the rights and powers in Ohio county that constables now have. He shall have such reasonable compensation for collection of taxes as the

Town marshal—
duties and com-
pensation.

board of trustees may direct, not exceeding ten per cent. on the amount collected. Unless the board of trustees otherwise direct, he shall have charge of the town lock-up; and it shall be his duty to arrest, with or without warrant, all riotous, drunken, or profane persons in said town, and convey such persons forthwith before the police judge of said town for trial. He shall settle with the treasurer of the board of trustees for all taxes, dues, and demands listed with him for collection on or before the first day of July of each year; and upon his failure so to do, suit may be brought upon his special bond in the name of said board. Before entering upon his duties he shall take the usual oath of office, and shall execute a special bond to the board of trustees of the town of Beaver Dam, conditioned that he [will] faithfully collect and pay over all taxes, dues, and demands listed with him for collection by said board. For the care, custody, and control of prisoners placed in his charge for confinement, or for work on the streets and alleys of said town, he shall be allowed a reasonable compensation by the board of trustees. He shall pay over to the treasurer of the board of trustees all fines and forfeitures collected for offenses in said town.

Police Judge.

Police judge—
jurisdiction.

§ 19. There shall be a police court in said town, to be presided over by a police judge, who shall have the same qualifications, be elected at the same time, and hold his office for the same period, as the members of the board of trustees. He shall have original and exclusive jurisdiction of all offenses committed in said town, and shall have the same and like jurisdiction in all civil and criminal actions or proceedings in Ohio county that the county judge of Ohio county now has, excepting where said judge has by law exclusive jurisdiction; and shall take such oath of office and give such bond as is now required by law of police judges of towns. He shall have power to hear and determine, in a summary manner, all offenses against the by laws and ordinances of said town: *Provided*, That if the penalty for violation of such by-law or ordinance exceed twenty dollars, he shall cause a jury to intervene, but not otherwise.

Penalty for failure to pay fines.

§ 20. If any person against whom a penalty or fine is assessed in said police court shall fail to pay the same, together with the costs of the proceedings, said police judge

shall have authority to direct the confinement of such person in the town prison-house or lock-up until said fine and costs be paid, at the rate of one dollar per day for each day's confinement; or he may direct that such person be confined in the county jail of Ohio county until the fine be paid, as now prescribed by law; or he may direct that such person be placed at labor on the streets and alleys of said town, under direction of the town marshal or road overseer, until said fine and costs be paid, at the rate of one dollar for each day's labor.

§ 21. The board of trustees shall have power to adopt and pass such by-laws and ordinances for the good government of said town as may seem necessary, not inconsistent with the laws of the Commonwealth, and to affix a penalty for drunkenness, profane swearing, and indecent behavior, of not exceeding twenty dollars.

May make by-laws.

§ 22. The fines and forfeitures which may be assessed for all penal offenses committed in said town shall vest in the board of trustees, and be paid to the treasurer of said board by any officer to whom the same may come.

Fines to be paid treasurer.

Treasurer.

§ 23. The treasurer shall receive and pay out and account for all moneys coming to said board, and shall execute a bond, with good and sufficient surety, to said board, conditioned for the faithful performance of his duties and the accounting for all funds received by him.

Treasurer and his duties.

Clerk.

§ 24. The clerk of said board shall have charge, and safely keep, all the books and records of said board, the minutes of the proceedings of said board, and shall take and attest all bonds executed to said board, certify the election of the trustees, marshal, and police judge, and upon the day of the annual election, have prepared a statement showing all sums of money received, and all sums paid out, by said board, of and to whom, and shall give all notices required to be given by said board.

Duties of clerk.

Street Overseer.

§ 25. The street overseer shall have general charge of the streets and alleys of said town, subject to the supervision of the board of trustees.

Duties of street overseer.

§ 26. If any other person than the town marshal be intrusted with the care and control of said town lock-up and

Any person other than marshal keeping town lock-up to be allowed reasonable compensation.

prisoners therein, such persons shall be allowed a reasonable compensation for his services.

May list taxes with some other person than town marshal.

§ 27. It shall be lawful for the board of trustees, for good cause, to list the taxes due the town for collection with some other person than the town marshal, in which case such person shall collect said taxes for the same compensation, and subject to the same restrictions as to payment and settlement, as the town marshal should have done.

Trustees until first Tuesday in September.

§ 28. That W. J. Berry, J. P. Barnard, H. J. Coleman, Henry Austin, and John Barclay, shall be and act as trustees until the first Tuesday in September after the passage of this act, and until their successors are elected and qualified; and all acts done and proceedings had by them heretofore as trustees, so far as said acts are consistent with the laws of this Commonwealth, shall be held valid and of full effect.

May secure offenders by ball and chain.

§ 29. If any offender be directed to work in the streets and alleys of said town, it shall be lawful for the police judge of said town to direct that said offender be secured by ball and chain; and it shall be the duty of the board of trustees to provide said ball and chain when so required.

Chairman of board to act in place of police judge when judge is absent.

§ 30. The chairman of the board of trustees shall act in the room and stead of the police judge when said judge shall be absent, or the office shall be vacant by reason of death, resignation, or other disability, not to extend beyond the first regular election after said death, resignation, or disability; and while acting as police judge, said chairman shall have all the rights, powers, and jurisdiction conferred herein upon said police judge.

Fees allowed police judge

§ 31. The police judge shall have the same fees now allowed justices of the peace, and the town marshal shall have the fees now allowed constables.

Name of police judge and marshal until first election.

§ 32. That Edward Cooper shall be police judge of said police court, and Thos. Stevens town marshal, until the first annual election after the passage of this act.

Citizens exempt from working on roads.

§ 33. That the citizens of said town shall be exempt from working on the roads in Ohio county.

Last annual assessment and levy declared valid.

§ 34. That the last annual assessment and levy made by the board of trustees of said town are hereby legalized and declared valid.

Approved March 2, 1878.

CHAPTER 273.

AN ACT to amend the charter of the Masonic Widows' and Orphans' Home and Infirmary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Masonic Widows' and Orphans' Home and Infirmary be, and is hereby, amended as follows: that from and after the annual election for directors of said institution in May, 1878, the number of directors shall be increased to eighteen members, fifteen of whom shall be elected and hold their office as now provided by law; the three additional members of said board shall be directors on the part of the Grand Lodge of Kentucky, and shall be entitled to all the rights and privileges, and subject to all the rules and regulations prescribed by the by-laws for the government of said board.

§ 2. The directors on the part of the Grand Lodge shall be the Grand Master, the Grand Senior Warden, and the Grand Junior Warden. These three officers of the Grand Lodge shall hold their office as directors of said institution from and after the annual election of directors in May, 1878, until the close of the annual meeting of the Grand Lodge in October, 1878, or until their successors are duly elected and qualified; and at each annual meeting of the Grand Lodge hereafter, the parties who shall be elected and installed as Grand Master, Grand Senior Warden, and Grand Junior Warden, shall be at the same time qualified as directors on the part of the Grand Lodge of the Masonic Widows' and Orphans' Home and Infirmary, to continue in office for one year, or until their successors are duly elected and qualified.

§ 3. Should the offices of Grand Master, Senior Grand Warden, and Junior Grand Warden, or either of them, become vacant during the term for which the incumbents were elected, then the office or offices held by such party or parties shall also become vacant as directors of the Masonic Widows' and Orphans' Home and Infirmary; and the party or parties who shall succeed to the vacant office or offices of the Grand Lodge shall also succeed to the vacancy or vacancies in the directory of the Masonic Widows' and Orphans' Home and Infirmary.

§ 4. The quorum of said board necessary to transact all the business of the same shall be and remain as now provided by law, viz: eight members.

§ 5. For the purpose of perpetuating the control of the said Masonic Widows' and Orphans' Home and Infirmary in the hands of the masonic fraternity of Kentucky, the life memberships in said institution shall be, and are hereby, made transferable by will or otherwise, on such terms and conditions, not inconsistent with the laws of this Commonwealth, or the charter of said institution, as the by-laws of the same may direct; and the transfer of such life memberships, when made to master masons, or lodges of master masons, in conformity with the by-laws prescribed by said institution, shall invest fully and unequivocally in the transferred all the rights and privileges that belonged to the original holder of such life membership.

§ 6. In the event of the death of a life member of said institution, who may not have transferred said life membership, nor disposed of the same by will, then, and in that event, the life membership held by such party shall invest in the lodge to which said party belonged at the time of his death.

§ 7. This act to take effect from its passage.

Approved March 2, 1878.

CHAPTER 274.

AN ACT for the benefit of Stitts Thompson, of Washington county.

WHEREAS, J. C. Champion, of Washington county, was found to be a lunatic by the Washington county court at its March term, 1874; and whereas, it appears that said lunatic is and has been, since the inquest, a pauper; and whereas, he was unable to be placed in any asylum, owing to their crowded condition; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Stitts Thompson, of Washington county, who has kept said lunatic since the first day of March, 1874, for the sum of three hundred dollars, being compensation for keeping said lunatic from the time said Thompson took him in charge up to the first of March, 1878.

§ 2. This act shall take effect from and after its passage.

Approved March 2, 1878.

CHAPTER 276.

AN ACT to authorize and direct Ben. P. Shryer, curator of M. McCullom, deceased, to make settlement of said estate with the trustees of the Cadiz High School, and to pay to them all moneys in his hands as such curator.

WHEREAS, M. McCullom departed this life, in Trigg county, Kentucky, on the — day of —, 1870; and whereas, in his last will, among other things, he directed that, after the death of his wife, Catherine McCullom, who has since died, that all his property should be reduced to cash, and that all the funds then belonging to his estate, should be deposited in a solvent bank, and that the interest arising from said deposit should be used in the education of "the poor orphan children" in the county in which he should die; and whereas, said devise is too vague and indefinite to be executed, so as to carry out the intention of the said M. McCullom; and whereas, said M. McCullom left no heirs to take said estate; and whereas, same has, under the law, escheated to the Commonwealth of Kentucky; and whereas, one Ben. P. Shryer has qualified as curator of said McCullom, and now has in his hands as such curator the sum of \$—, belonging to the estate of said McCullom; and whereas, it is right that the intention of said testator should be, as near as possible, carried into effect; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ben. P. Shryer, curator of the estate of M. McCullom, deceased, be, and he is hereby, authorized and directed to forthwith make settlement of said estate in his hands with the trustees of the Cadiz High School, who are hereby invested with all the right and title to same, to be used as hereinafter provided; and the receipt of said board of trustees shall be a full and sufficient voucher to said Shryer in any settlement he may have to make with the county court of said estate.

§ 2. The board of trustees of the Cadiz High School may invest said money so coming to their hands as they shall deem most advisable, and the interest on said sum shall annually thereafter be devoted to paying the tuition of one or more poor orphan children of Trigg county in said high school, to be named and appointed by the county judge of Trigg county.

§ 3. It shall be the duty of the county judge, if necessary to compel a settlement by Ben. P. Shryer with said board of trustees by attachment.

§ 4. This act shall take effect from and after its passage.

Approved March 2, 1878.

CHAPTER 277.

AN ACT for the benefit of W. W. Stinnett, sheriff of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. W. Stinnett, sheriff of Todd county, be, and he is hereby, allowed and given further time and until the 15th day of June, 1878, to account for and pay into the State Treasury all money, revenue, and taxes for which he is bound for the year 1877.

§ 2. Such extension of the time of said sheriff for paying said money into the State Treasury shall not release or in any way impair the obligation of any surety on said sheriff's bond.

§ 3. This act shall take effect and be in force from and after its passage: *Provided*, The sureties go into open court and consent to this extension.

Approved March 2, 1878.

CHAPTER 278.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company.

WHEREAS, In consequence of the lease of the Nashville and Decatur Railroad from Nashville to Decatur, and the completion of the South and North Alabama Railroad from Decatur to Montgomery, by the Louisville and Nashville Railroad Company, and of its ownership of a majority of the capital stock of the North and South Alabama Railroad Company (all requiring a large investment of money), the stockholders of the Louisville and Nashville Railroad Company have become largely interested in the commerce and railroad business between the States of Kentucky and Tennessee and the Southeast and the several railroad connections in that part of the country ; and in order to protect and promote their inter-

est and legitimate business, the president and directors believe it may become necessary for the company to operate, lease, or purchase other railroads not lying within the State of Kentucky, and to that end. that the charter of the company should be amended; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville and Nashville Railroad Company be, and is hereby, so amended as to authorize its president and directors, with the assents or approval of a majority in interest of the stockholders of the company present or represented at any annual or called meeting thereof, to operate, lease, or purchase, upon such term or in such manner as they deem best, any railroad in any other State or States deemed necessary for the protection of the interest of the stockholders.

Approved March 6, 1878.

CHAPTER 279.

AN ACT to amend an act, entitled "An act to establish a system of common schools in the town of Corydon, Henderson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to establish a system of common schools in the town of Corydon, Henderson county, approved March 25th, 1872, be amended as follows: that the board of trustees shall provide that a tuition fee not to exceed four dollars per month, or twenty dollars for a session of five months, shall be charged each scholar in the high school department, to be paid in advance, or arranged in such manner as the board of trustees may direct.

Act approved
March 25, 1872,
amended.

§ 2. That said board of trustees shall have the power to issue the bonds of the Corydon public school district, in an amount not exceeding ten thousand dollars in the aggregate, of any denomination not less than one hundred dollars nor more than one thousand dollars, bearing interest at any rate not exceeding eight per cent. per annum, payable annually or semi annually, to be due in fifteen years, but to be redeemable at the option of the board of trustees in five years. The said bonds shall be made payable to bearer, and shall be

May issue bonds.

signed by the president and attested by the clerk of said board of trustees, and shall pass by delivery, and shall be sold or discounted by the said board of trustees, or such person as they may authorize, for the best price they can get, but not to be sold or discounted below par; the proceeds of which are to be used only for the purpose of funding, redeeming, or paying off the bonds, bearing interest at the rate of ten per cent. per annum, and issued by said board of trustees under section 16 of said act.

Treasurer of school district to receipt for tax-book.

§ 3. That the treasurer of the said school district shall receive and receipt for the tax-book for each year, and collect and receipt for all taxes paid to the first day of September next ensuing the receipt of said tax-book; he will then deliver the said tax-book, or a certified statement therefrom, showing the names of those who have not paid, and the amount due from each, to the collector of said district, who shall proceed to collect said unpaid taxes, and, in addition thereto, a penalty of ten per cent.

Board of trustees to hold an election to ascertain if a majority are in favor of this amendment.

§ 4. That said board of trustees shall hold an election in the town of Corydon as soon after the passage of this act by the Legislature as practicable, after having given notice thereof by publication in one of the newspapers published in the city of Henderson, and by printed notices posted at not less than six public places in said district for not less than fifteen days prior to said election, to ascertain if a majority of the qualified white voters of said school district approve or disapprove thereof; and if a majority of said qualified white voters vote in favor of this amended act, then it is to be in full force and effect, otherwise it is to be null and void; and the bonds herein provided for shall not be issued until after the said election is held and the result ascertained, which shall be spread upon the records of said board of trustees: *Provided*, That no bonds shall be issued or sold under this act unless a majority of the white voters of said district vote in favor of the adoption of this act.

Proviso.

§ 5. That this act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 280.

AN ACT for the benefit of Fatha Hicks, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer for the sum of seventy-five dollars in favor of Fatha Hicks, committee for Jennie Hicks, a pauper idiot, for amount not paid said Fatha Hicks, from the first of March, 1876, to the first of March, 1877.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 281.

AN ACT to define a certain portion of the boundary of Jefferson county.

WHEREAS, In consequence of an ambiguity in the act creating the county of Oldham, doubts have recently arisen as to whether Oldham or Jefferson county comprises the upper portion of Diamond or Twelve Mile Island; and whereas, since the establishment of the county of Oldham, the said island has been treated and considered as a part of and included within the limits of Jefferson county, and for over fifty years of which period the taxes have been assessed and paid for the whole of said island, as belonging to and being a part of Jefferson county; therefore, for the purpose of removing any doubt as to the county in which said island is comprised,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the island in the Ohio river, known as Diamond or Twelve Mile Island, is hereby declared, to the low-water mark thereof, to have been since the establishment of Jefferson county, and to be a portion of and included within the limits of Jefferson county.

Approved March 6, 1878.

CHAPTER 282.

AN ACT for the benefit of G. C. Dudley, clerk of the Caldwell county circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. C. Dudley, clerk of the Caldwell county circuit court, be, and he is hereby, allowed the further time of two years from the passage of this act in which to collect and distrain for his uncollected fee-bills, subject, however, to all the penalties now in force for the issuing and collecting illegal fee-bills.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 284.

AN ACT to amend an act, entitled "An act to amend and reduce into one the acts incorporating the town of Louisa."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the twelfth section of said act be so amended that the word "the," occurring before the word "jurisdiction," in the third line of said section, be stricken out, and the words "and exclusive" be inserted therein, so that said section will read, commencing after the word "town," in the second line of said section, "and exclusive jurisdiction of all pleas of the Commonwealth arising within the limits of said town, or within one mile thereof, except cases of felony."

§ 2. That section fifteenth be amended so that said court shall have regular terms, commencing on the first Monday in each month of the year. That the seventeenth section of said act be repealed, and the following be enacted in lieu thereof, to-wit: said court may issue a *capias pro fine* on all its judgments for a breach of the ordinances of the said town, and on all judgments rendered in said court for a violation of any law; and in such cases shall enter a judgment specifying that the persons convicted shall be required to labor in the work-house, or forced to work on the streets or other places that the board of trustees may designate, until the fines assessed against him, and the cost of the prosecution, are both discharged, at the rate of one dollar per day; but in no wise to be required to work more than ten hours per day at labor.

The board of trustees shall have power to provide, by any means they may deem proper, to keep persons under confinement while at labor: *Provided, however,* That the person so arrested and confined shall, by paying or replevying the full amount of the fine assessed and cost, be discharged from custody.

§ 3. That section eighty-eight of said act be repealed.

§ 4. That the board of trustees of the town of Louisa are hereby authorized and empowered to grant rights of way to any railroad company it may desire to pass through and over the streets and alleys of the town of Louisa.

§ 5. The board of trustees are hereby authorized to have erected, at the expense of the town, a town prison-house for the confinement of persons convicted and sentenced in the police court of said town; and for that purpose may levy and assess taxes upon the property and persons residing in or living in said town. They are empowered to make all necessary rules and regulations for keeping said persons in said prison.

§ 6. The board of trustees shall, upon the first Monday in August, 1878, and every two years thereafter, cause a poll to be opened in said town, at which election the qualified voters of said town may vote for or against the sale of spirituous, malt, or vinous liquors by the small. If a majority of said voters vote for license, and the sale of such liquors by the small, the said trustees are authorized to grant license to any person or persons to sell liquors by the small within said town, and may levy a tax upon each person having such license, of not exceeding one hundred dollars per annum. Before any person shall receive such license, they shall pay to the treasurer of said town the tax thereon, and shall also pay to the State the tax required by general law, and execute bonds to the Commonwealth of Kentucky in the penal sum of one thousand dollars, conditioned that the person or persons obtaining such license will keep and perform the general laws of Kentucky regulating the sale of spirituous liquors by license. Said bond shall be executed in and approved by the county court of Laurel county, Kentucky.

§ 7. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 8. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 285.

AN ACT to amend an act, entitled "An act to incorporate the Masonic Mutual Benefit Association, of Maysville, Kentucky," approved February 17, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Masonic Mutual Benefit Association, of Maysville, Kentucky," approved February 17th, 1874, be so amended as to enable the local board of directors of said association to form three classes, to be called respectively class A, class B, and class C.

§ 2. Class A shall be limited to two thousand members, embracing therein the present membership of said association; class B shall be limited to one thousand members, and class C shall be limited to seven hundred members.

§ 3. All questions as to membership and management of classes A, B, and C shall be subject to the control of the local board of directors of said association, under the same rules, regulations, and by-laws thereof as now exist, save and except when they conflict with this act.

§ 4. Any member of the association may belong to all or as many of said classes as he may elect, and shall not be required to pay death assessments, save upon the death of members holding membership in the same class or classes with himself.

§ 5. The local board of directors shall have power to change the admission fee for membership in said association, and may make the admission fee for the different classes the same, or may vary them as, in their judgment, it is for the best interest of the association.

§ 6. This act shall take effect and be in full force from and after its passage.

Approved March 6, 1878.

CHAPTER 286.

AN ACT to incorporate the town of Hammonville, in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Hammonville, in Hart county, be, and the same is hereby, incorporated, with such boundaries, streets and alleys, as may be laid off by the trustees of said town, which shall be recorded in the county court clerk's office in said county.

Boundaries to be laid off by trustees.

§ 2. That there shall be three trustees elected annually, to serve for one year for said town, on the first Saturday in May. That said trustees and their successors in office shall be a body-politic and corporate, and by the name and style of the Trustees of the town of Hammonville; and by that name be capable of contracting and being contracted with, suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; and said trustees shall have all powers and privileges, and be subject to the same duties and liabilities, as provided by general law. Said trustees shall have power to make all necessary by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of the United States and of this Commonwealth; they shall have the power to levy and collect a tax upon the property and tithes of said town, not to exceed one dollar on each tithe, and not to exceed twenty-five cents on each one hundred dollars' worth of property, to be applied to the improvement of the town. Said trustees shall, before they enter upon the duties of their office, be duly qualified by some justice of the peace of said county that they shall faithfully discharge the duties of said office.

Trustees to be elected annually.

Corporate powers.

§ 3. That, on the same day set apart for the election of trustees of said town, there shall be held an election, once every two years, for the purpose of electing a police judge and town marshal for said town; and said police judge and town marshal shall qualify and give bond, and shall be clothed with all of the usual powers and privileges delegated to such officers, and they shall be governed and controlled by all laws made binding upon such officers.

Police judge and town marshal to be elected.

§ 4. The trustees of said town shall have the right to tax all shows and other public exhibitions such sums of money as they in their by-laws may fix; and all such taxes, together

May tax all shows and public exhibitions.

with all fines and forfeitures collected under the by-laws of said town, shall go to the use and benefit of the corporation.

Names of trustees appointed.

§ 5. That W. C. Ferguson, Thos. Morris, and Robert W. Compton, be, and hereby are, appointed trustees for said town, to carry out the provisions of this act, and to serve until their successors are duly elected and qualified.

All acts in conflict herewith repealed.

§ 6. All acts or parts of acts in conflict with this act are hereby repealed.

§ 7. This act to take effect from its passage.

Approved March 6, 1878.

CHAPTER 287.

AN AOT to legalize the appointment of the sheriff of Fleming county.

WHEREAS, A vacancy has occurred in the office of sheriff of Fleming county, by reason of the death of James V. Payne, late sheriff of said county, and an appointment been made to fill said vacancy until the next August election, 1878; and whereas, a necessity will exist for the election of a sheriff at said August election, 1878, to fill the vacancy in the unexpired term of said Payne until the first Monday in January, 1879; and in order that the necessity of said election may be avoided, and the complications resulting therefrom, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present appointee by the county judge of Fleming county, or any other person hereafter appointed to fill until the next August election, 1878, the vacancy in the office of sheriff of Fleming county, occasioned by the death of James V. Payne, late sheriff of said county, be, and he is hereby, authorized and invested with full power to continue to fill the vacancy in the unexpired term for which the said Payne was elected, to-wit: from the August election, 1878, until the first Monday in January, 1879, to enjoy all the rights, privileges, and immunities pertaining thereto, and subject to all the pains, penalties, liabilities, and obligations imposed by statute upon sheriffs in the discharge of their duties: *Provided*, That the present or any other appointee shall, at the expiration of the time for which he was appointed, shall go before the county judge of Fleming county, in open

court, and execute such bond or bonds, with good and approved security, as the said county court of Fleming county may require.

§ 2. This act shall take effect and be in force from its passage.

Approved March 6, 1878.

CHAPTER 288.

AN ACT to amend the charter of the Jefferson Southern Pond Draining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of directors of the Jefferson Southern Pond Draining Company shall have the power, and are hereby vested with the right, to assess, levy, and collect an annual tax per year of not more than fifty cents nor less than ten cents per acre, to be rated and charged upon the lands within the boundary of said corporation, in the proportion to the benefits conferred and to result, the said tax to be used to effect the drainage of the ponds and lands within said boundary; but said tax shall be assessed, levied, and collected for only the five years from and after the passage of this act; and said corporation shall have a lien upon the lands assessed for the payment of the tax.

§ 2. That after the elapse of said five years, said board of directors shall have the power, and are hereby vested with the right, to assess, levy, and collect an annual tax per year of not more than fifteen cents nor less than five cents per acre, to be rated and charged upon the lands within the boundary of said corporation in proportion to the benefits conferred and to result, said tax to be used to effect the drainage of the ponds and lands within said boundary, to widen, deepen, cleansing, and otherwise improving the ditches within said boundary; but said tax shall be assessed, levied, and collected for only five years from and after the elapse of the five years in section one mentioned; and said corporation shall have a lien upon the lands assessed for the payment of said tax; and said tax in this section mentioned, after the elapse of said five years, may be continued to be assessed, levied, and collected, with a like lien therefor, upon a vote of a majority in number of the acres of land within said bound-

ary, said vote to be taken at any regular election of the board of directors of said corporation, or at any meeting of the members and land-owners of said corporation called by the board of directors thereof, public notice thereof being given as required in the election of directors.

§ 3. All taxes assessed by said corporation, before the first day of August in each respective year, shall become due and payable on the first day of August of each respective year; and all taxes assessed by said corporation after the first day of August of each respective year shall become due and payable on the first day of December of each respective year.

§ 4. For all taxes now or which hereafter may become due said corporation it may cause to be instituted in its name in the Louisville chancery, or any court of like equitable jurisdiction in Jefferson county, to which court jurisdiction is hereby given, actions for the collection thereof, and to prosecute the same to final judgment according to the rules and practice of said court or courts of equitable jurisdiction and practice: *Provided*, That under such judgment no title shall pass until one year after the day of sale, within which time the tax debtor, or any creditor of any such tax debtor, may redeem said real estate by paying the amount of said judgment and all subsequent taxes and assessments thereon paid by any purchaser.

§ 5. If by reason of any irregularity whatever in the assessment, judgment, or sale of real estate for taxes due or to become due said corporation, a purchaser is not entitled to conveyance of the real estate by him purchased, said purchaser shall nevertheless be entitled to have of the tax debtor the amount of the purchase money and all subsequent taxes and assessments paid by him, with legal interest thereon; and such purchaser shall have a lien upon the real estate purchased by him until his demand shall be satisfied and paid off. In all proceedings in court authorized under this act, unless summon is served or defense made, no personal judgment shall be rendered.

§ 6. All acts and parts of acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 289.

AN ACT for the benefit of school district No. 7, Perry county.

WHEREAS, The school commissioner of Perry county, through mistake, failed to report seven children to the Superintendent of Public Instruction for the year ending June 30th, 1877, reported to him by the trustee of district No. 7, Perry county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-two dollars and eleven cents be appropriated to district No. 7, Perry county, to be paid the teacher thereof out of any unbonded surplus remaining to the credit of said county, or out of the interest on the county bond for the school year ending June 30th, 1879; and the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor for the same.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 291.

AN ACT to amend and repeal certain sections of the stock law of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 1st and 2d, contained in Session Acts 1876, chapter 194, volume 1st, page 332, entitled "An act to prevent stock from running at large in Boone county," is hereby repealed.

§ 2. That section 4th of the same act be amended by striking out the words "running at large or," contained in the first line of said section.

§ 3. That section 6th of the same act be amended by adding, where the fence is not a partnership fence, be lawful when either plank, stone, hedge, or rail fence four feet high.

§ 4. This act shall take effect from and after its passage; but shall not be carried into execution in said county unless a majority of the qualified voters of said county, voting at the next August election to be held in said county, shall vote in favor of the adoption of the same. Said vote shall be taken on the first Monday in August, 1878; and the officers of

the county court of said county are hereby required to have the same submitted to a vote of the people of said county at said election, as under the law made and provided they are now required to provide for holding elections; and the judges of election at the various voting precincts in said county shall put the question to each and every voter, "Are you in favor of the adoption of the present bill?" to be answered by "yes" or "no;" and the clerks of said polls shall record the votes so given, and said votes shall be sealed and returned by said officers, and counted by the board, whose duty it now is under the law to compare the polls, and certify whether the same was or not carried; and if a majority of those voting be in favor of adoption of the same, then it shall go into execution immediately, otherwise to be null and void.

Approved March 6, 1878.

CHAPTER 292.

AN ACT to incorporate the Mechanics' Building and Loan Association, of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Louis Straus, M. G. Thompson, R. S. Bullock, H. W. White, J. L. Lisle, S. Bassett, jr., B. P. Carpenter, Charles Featherstone, J. T. Frazer, Thos. Farman, W. S. Rule, Hamilton Scott, T. B. Watkins, and D. N. Zimmerman, be, and they are hereby, constituted a body-corporate, under the name and style of the Mechanics' Building and Loan Association, of Lexington, Kentucky; and by that name may sue and be sued, implead and be impleaded; shall have succession; have a common seal, and alter and change the same at pleasure; may acquire and hold real and personal estate, and sell and convey the same, and shall possess such other powers as are consistent with the objects of this association.

§ 2. The management of this association shall be vested in a board of twelve directors, elected annually by the stockholders. The directors shall elect from their number a president, vice president, and treasurer, and from the stockholders a secretary and solicitor; and until the first general election of officers hereinafter provided for, Louis Straus shall be president, M. G. Thompson, vice president, R. S. Bullock, treas-

urer, H. W. White, secretary, J. L. Lisle, solicitor, and the other corporators above named shall be directors. In all elections and transaction of other business, each member present shall be entitled to one vote for every share owned: *Provided*, That women and infant members of the association may vote by proxy, married woman and infants by their husbands or guardians, other women by any member of the association selected by them in writing to act for them.

§ 3. The capital stock of said association shall be three hundred thousand dollars, to be divided into shares of three hundred dollars each, and to be paid by the stockholders in weekly installments of one dollar each week for each share of stock until said installments, with their net accumulations, shall amount to said sum of three hundred dollars for each share; or at the expiration of five years from the first election of officers, whether said shares have amounted to said sum or not, there shall be a distribution thereof to the stockholders, and a liquidation of its affairs; and after that, its corporate powers and existence shall continue to settle up its business and affairs. Capital stock.

§ 4. The corporators shall open books for the subscription of said stock, and may adopt, so far as it has progressed, the subscription already made in anticipation of this act; and whenever two hundred shares shall be subscribed, said association may go into operation. Other shares may subsequently be subscribed until the whole stock is taken, the subscribers thereto being required to pay the back installments, corresponding with those paid by the original subscribers, with interest thereon at such rate as the association may provide in its by-laws: *Provided*, That no stockholder shall acquire or hold at any one time more than ten (10) shares of said stock. Said stock shall be transferable on the books of said association, as may be provided in its by-laws. May open books for subscription of stock.

§ 5. The object of said association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital stock as paid in, and the accumulations thereof, only upon mortgages and liens upon real and personal estate, or upon approved collaterals, ample in amount to secure the same, preference being given in all cases to members of said association; and said loan shall be made at the rate of six per cent. interest per annum. Object of association.

§ 6. In addition to the mortgage or other lien or security which may be given by a stockholder to secure any loan which may be made, or any indebtedness which may be created, a prior lien is given to said association upon the interest and stock of such shareholder in said association to secure the association in said loan or indebtedness.

Lien on interest and stock given in addition to mortgage.

§ 7. As soon as practicable after the association is ready to go into operation, as provided in section four of this act, the corporation shall call a meeting of the stockholders, giving reasonable notice of such meeting, for the election of directors, who shall serve for one year, and until their successors are elected and enter upon the discharge of their respective duties. Annually thereafter, at such times as may be fixed by the by-laws to be adopted by the stockholders, the directors shall be elected; and said stockholders shall have authority to pass and make any by-laws for the government of said corporation, not inconsistent with this charter or the laws of this State, or the Constitution of this State or the United States.

When directors to be elected.

§ 8. Said corporation may provide in its by laws what penalties shall attach for failure to pay the installments of stock at the times fixed therefor, and shall have full power to enforce such penalties, whether the same shall be by fine or forfeiture of such shares. It may also provide upon what terms members desiring to withdraw from the association may do so. It may also direct what officers shall be required to execute bonds with security, for the faithful performance of their duties, and the amount of penalty in said bonds; and said bonds, when executed, shall be fully binding upon the obligors thereto; and it may require the payment quarterly in advance of five cents per week on each share to meet current expenses, and also fix an initiation fee of one dollar on each share.

May provide penalties in by-laws for failure to pay installments of stock.

§ 9. The directors may adopt any rules for conducting the business of the association not in conflict with this charter, the by-laws of said association, or the laws of Kentucky or the Constitutions aforesaid.

May adopt rules.

§ 10. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 293.

AN ACT to further the educational interests of the town of Hawesville.

WHEREAS, By an act of the General Assembly approved January 30, 1834, certain lands were appropriated to Hancock county for the purpose of education; and whereas, the county court of said county, by authority of law, sold said lands, and applied the moneys received to building a seminary in the town of Hawesville; and whereas, by an act of the General Assembly approved March 9, 1843, the county court was authorized to convey the said seminary, and lot of land thereto belonging, to the trustees of the Hawesville Seminary; and whereas, by order of said court, the clerk of said court did, on the 31st day of August, 1843, convey the same by deed to the said trustees of the Hawesville and Hancock Seminary, and make it a condition of the deed of conveyance that the said seminary, and lot or parcel of ground on which it is built, is to be held by the said trustees of the Hawesville and Hancock Seminary, in their corporate capacity, for the purpose of supporting a seminary of learning and education, and not to be sold or conveyed away by the said corporation, or used for any other purposes, unless by authority from the Legislature of Kentucky, by a law for such purposes passed and approved; and whereas, it appears that the said seminary has become insufficient for the uses for which it was intended, and that the town of Hawesville and territory adjacent thereto, acting under authority of an act of the General Assembly approved March 28, 1873, issued the bonds of said town, and with the proceeds thereof erected buildings more suitable for the purpose, and the old seminary has been abandoned; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the presiding judge of the Hancock county court shall, at the next regular term of said court after the passage of this act, or at a succeeding term, appoint five trustees of the Hawesville and Hancock Seminary, and that said trustees are hereby authorized to convey the said seminary and lot and appurtenances to the board of education of Hawesville and school district No. 1; and for this purpose the said judge shall make such orders as are necessary on the books of the said county court; and the trustees so appointed shall

make and execute a conveyance of the said property to the said board of education in fee-simple.

§ 2. That the said board of education is hereby authorized to rent, lease, or sell said property, as they may deem most expedient, and apply the proceeds to the payment of the bonds issued for the construction of the new buildings.

§ 3. The said judge shall join in said deed, and also convey to the said board of education all the right, title, and interest of the said county of Hancock to any lands, or claim it may yet have to any lands, originally appropriated to said county for the purpose of education by an act of the Legislature approved January 30, 1834, or to which said county obtained a right under said act, and shall pay over to said board of education any funds which the county holds derived from the sale of said bonds.

§ 4. That this act shall be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 294.

AN ACT to amend the charter of the Winchester and Red River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the president and board of directors of the Winchester and Red River Iron Works Turnpike Road Company be, and they are hereby, authorized, for and on behalf, and in the name of said company, to borrow money for its use, and to secure the payment thereof, or to indemnify any person or persons who may become its surety by the execution of a mortgage embracing the rights, franchises, privileges, estate, property, and choses in action of said company; and also to secure the payment of such debt or debts as said company may now owe, and to indemnify such person or persons as may now be sureties for said company by the execution of such a mortgage.

§ 2. Any mortgage or mortgages executed under the provisions of this act may be acknowledged and signed, for and on behalf of said company, by its president and secretary, as mortgages are required by the law of this State to be ac-

knowledge and executed, and shall be recorded in like manner, and shall have the force and effect of mortgages on real estate when so executed and recorded.

§ 3. Any mortgage or mortgages executed under the provisions of this act may be foreclosed, and the lien therein created be enforced, in the same manner and with the same remedies as are now provided by the laws of this State for the enforcement of such liens.

§ 4. Any purchaser or purchasers of said road shall be entitled to and have all the rights, privileges, powers, franchises, and prerogatives now owned and enjoyed or appertaining to said company, so soon as he or they shall have received a deed or deeds for the same, or so soon as the court ordering the sale shall have confirmed said sale.

§ 5. Any creditor or creditors of said company may file a petition in equity, in any court of competent jurisdiction, alleging its insolvency, and in proof of the same, and of a necessity for the payment of its debts, obtain a decree for the sale of said road, its rights, privileges, and franchises; but the purchaser or purchasers thereof shall be required to keep and maintain said road as the said company is now required to do by its charter, and shall be subject to all penalties now prescribed by law, and may reorganize and conduct its affairs according to the provisions of its charter and the amendments thereto heretofore passed.

§ 6. The proceedings in the prosecution of any suit brought under the fifth section of this act shall be conducted as is now provided by law for the settlement of insolvents' estates.

§ 7. This act shall be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 295.

AN ACT to legalize certain acts and orders of the Marshall county court.

WHEREAS, W. B. Ely, a justice of the peace of Marshall county, has held several county courts in said county since the first day of August, 1876, presiding as the nearest justice of the peace of said county in the absence of the county judge of said county; and whereas, the said Ely, as such justice, has held county courts in said county at other times than the regular monthly terms; and whereas, the said Ely has failed,

through neglect or from other cause, to sign the minutes of said court made by him while presiding as such justice; and whereas, great and irreparable injury is likely to result to many innocent parties by said acts and omission; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said W. B. Ely is hereby authorized to sign all the minutes of said court made by him while presiding as such justice of the peace, and that said minutes, when so signed by him, shall be, and are hereby, made legal to all intents and purposes, provided he shall sign said minutes by the first day of June, 1878.

§ 2. This act shall take effect and be in force from its passage.

Approved March 6, 1878.

CHAPTER 297.

AN ACT for the benefit of William Johnson, a pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer of the State for the sum of seventy-one dollars and twenty-seven cents in favor of Jas. Haggard, trustee for Wm. Johnson, of Clark county, Kentucky, a pauper idiot.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 298.

AN ACT to amend an act, entitled "An act to incorporate the American Legal Aid Society," approved January 30th, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the seventh section of an act to incorporate the American Legal Aid Society be amended as follows: By striking out the latter part of the said section after and including the words, "and whenever a member shall reach an

age higher than the class to which he belongs, he shall be transferred to such higher class; but upon attaining the age of sixty-five years, he shall thereafter remain in the fifth class," and making the section read as follows: This society shall consist of divisions of five thousand each; but no new division shall be formed until the preceding one has been filled; and all books, papers, and accounts of each division shall be kept separately; one person may hold one membership in each division, but not more than one in any division; and after a division has been filled, if from death or other cause the membership of said division should be decreased, the said society may, by the addition of new members, keep said division filled to its utmost maximum number at all times. Each division shall consist of five classes, according to the age of the members when they enter; those entering from twenty-one to thirty years shall constitute the first class; those entering from thirty to forty years the second class; those entering from forty to fifty years the third class; those entering from fifty to sixty years the fourth class; those entering from sixty to sixty-five years the fifth class.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 300.

AN ACT to amend an act, entitled "An act to incorporate the Southwestern Railroad Company," approved February 15th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Southwestern Railroad Company," approved February 15th, 1876, be so amended that the bonds of the town of Harrodsburg subscribed to the capital stock of said company, together with the interest thereon, the holders thereof consenting thereto, may be paid at the First National Bank, Harrodsburg, Kentucky, instead of in the city of New York.

§ 2. That it shall be lawful for the trustees of the town of Harrodsburg to pay for the collection of the tax to meet said bonds and interest any sum not exceeding four per cent. on the first thousand dollars, eight per cent. on the second, ten

per cent. on the third, and twelve per cent. on all above three thousand dollars. It shall further be lawful for any collector of said tax to sell any real or personal property for the payment of the tax due by each tax-payer, in the same manner and under the same restrictions as property may now be sold by sheriffs for the payment of State revenue under the General Statutes of Kentucky; and the purchaser of any such property may receive deed; and said property shall be subject to redemption in the same manner and time as is now provided in the General Statutes of Kentucky relative to the sale of property for State revenue.

§ 3. That said Southwestern Railroad Company is hereby authorized to make any contract it may deem proper with any railroad company, or lessees of same, relative to the pro rating and fixing of freights and passenger charges over its road, and the road with which such contract is made: *Provided, however,* Said contracts shall not be less favorable to said Southwestern Railroad Company than is already authorized by its charter or the charter of the Cincinnati Southern Railway Company granted by the Kentucky Legislature: *And provided further,* That any contract made with the Southwestern Railroad Company is not to be taken as a precedent against any such company contracted with, or the lessees of any such company, in their contracts with any other company or lessees thereof.

§ 4. This act shall be in force from its passage.

Approved March 6, 1878.

CHAPTER 301.

AN ACT to incorporate the town of Anchorage, Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the section of country known as Anchorage, in Jefferson county, be, and the same is hereby, incorporated as a town, to be designated and known as the town of Anchorage, in Jefferson county, bounded as follows: Beginning at a point in the north line of Middletown, where the old Harrod's creek road strikes the same; thence with said road, in a north-westerly direction, to a corner of Whips and Sherley, in the county road; thence with said road eastwardly to the western

line of the Central Kentucky Lunatic Asylum land; thence with said line northwardly to the northern line of said land; thence with said northern line and the northern lines of the lands of Judge Russell Houston and Mrs. Weatherford, to a corner of Mrs. S. L. Nocks' land; thence with a line between the lands of Mrs. Weatherford and Mrs. Nocks southwardly to Jno. C. Sherley's northern line; thence with said northern line and the northern line of the lands of T. R. Walker and Jos. A. Miller to the line of the Phillips tract; thence with said Miller's east line and the line of B. H. McCown southwardly to the south line of the county road running along the Louisville, Cincinnati, and Lexington Railway; thence following the meanders of said county road, in a southeastwardly direction, to the center of the Shelby Railroad, being E. Fulton's corner; thence with the Floyd'sburg public road westwardly to McMichael and Brinly's corner, in center of Middletown road; thence with said Middletown road northwardly to Mrs. J. W. Goslee's corner; thence with her line and the north line of Middletown westwardly to the beginning.

§ 2. That Wm. Hughes, S. J. Hobbs, M. A. Huston, J. L. Shallcross, and Thos. C. Timberlake are hereby appointed trustees of said town, to remain in office until the first Monday in August (1879), one thousand eight hundred and seventy-nine, on which day, and on the first Monday of said month in each succeeding two years, the qualified voters of said town shall meet at such place as may be designated by the trustees of said town, and choose by vote, *viva voce*, five (5) persons for trustees, to serve for two years, and until their successors are elected and qualified. Any vacancies occurring in the board by resignation, death, removal, or other cause, shall be filled by the board of trustees.

Trustees, and
term of office.

§ 3. That each male person of the age of twenty-one (21) years and upwards, being an actual resident of said town and entitled to vote for State officers, shall be entitled to vote for trustees, and the same qualification shall be required for any elective officer for said corporation.

Who is qualified
to vote for trustees.

§ 4. The trustees of said town shall be chosen from among the white male voters of said town, and shall have power, from time to time, to pass such by-laws and ordinances as they may deem proper for the preservation of good order, decency, and decorum within the limits of said town, for the

Powers of trustees.

preservation of the peace, lives, health, and property of the inhabitant and others within said town, and for the preservation, repairs, and improvement of the streets, alleys, avenues, and roads of said town, and for all such matters as properly and usually come within the police of an incorporated town; and they shall have power to provide punishments for all violations of their by-laws and ordinances by fine or imprisonment, or both. They may, from year to year, levy and provide for the collection of a tax on the inhabitants and property within said town, not exceeding fifty cents on each one hundred dollars' worth of taxable property listable for State taxation, and two dollars per annum for each male inhabitant over twenty-one years of age, to be expended by them in the necessary outlays attending the government of said town, and for the repair, improvement, and preservation of the streets, alleys, avenues, and roads of said town, and for educational purposes: *Provided*, That no by-laws or ordinances shall be passed that in anywise conflict with the Constitution and laws of this Commonwealth or of the United States. They shall elect one of their number president of said board, and regulate the times and place of their meetings; they may annually appoint a town clerk, a town treasurer, and a town assessor, and regulate the amount of the penalties of their several bonds, payable to the corporation, if any shall by them be deemed necessary; and they shall define the duties and fix the compensation of these several officers.

May establish
and maintain a
public school.

§ 5. That the said corporation shall have power to establish and maintain a public school or schools within the corporate limits of the town, with full authority to regulate and control the same, and, as a corporate body, shall be capable in law of receiving donations, bequests, lands, tenements, and escheats; and the limits of said town shall embrace a school district, which shall receive its quota from the educational fund of the State; and all fines collected in said town shall be paid into the town treasury for school purposes.

Office of police
judge created.

§ 6. That the office of police judge in and for the town of Anchorage be, and the same is hereby, created and established, and the police judge for said town shall be elected by the board of trustees at their first meeting, to serve until the first Monday in August, 1879, when, and on the first Monday of said month each succeeding two years, shall be elected by the qualified voters of said town, to serve for the term of two

years, and until his successor is elected and qualified, and shall be commissioned by the Governor of this Commonwealth, and shall, before he enters upon the duties of his office, take an oath before some justice of the peace of Jefferson county to faithfully and impartially, to the best of his ability, discharge the duties of his office.

§ 7. That said police judge shall have jurisdiction within said town of all civil causes to the same extent that justices of the peace now have in this Commonwealth, and shall have the same jurisdiction of crimes and misdemeanors committed within said county of Jefferson that justices of the peace now have; and in criminal and penal cases he shall have the jurisdiction now given by law to two justices of the peace within said county, and shall have full jurisdiction within said town of all offenses against the by-laws and ordinances of said town; and shall have power to enter judgments and issue executions for all fines and penalties for such offenses; and his executions may be served by the marshal of said town in any part of said county, or by the proper officers in any county in this Commonwealth; he shall have power to grant attachments and injunctions and writs of *ne exeat* and *habeas corpus* to the same extent as justices of the peace elected by the people in said county of Jefferson; he shall keep a record of his proceedings, copies of which shall be evidence to the same extent that copies of the records of justices of the peace now are; he shall have power to issue original process in all cases before him, subpoenas for witnesses, and attachments to compel the attendance of witnesses before him, to the same extent that justices of the peace now have; and to punish all contempts against his authority by fines, not exceeding ten dollars in each case, or by imprisonment not exceeding six hours; he shall have power to order the marshal to summon a jury in cases cognizable before him when a jury is required by law; he shall have the same power to issue attachments for debt within the county of Jefferson that justices of the peace now have; to take and certify depositions, which shall be allowed to be read as depositions are now allowed to be read taken before and certified by justices of the peace; to administer oaths and certify the same when necessary in all cases where an oath is provided for by law; and he shall be entitled to the following fees, namely: for a peace warrant, one dollar; in case of a riot, rout, unlawful assembly, or

Jurisdiction of
police judge.

breach of the peace, one dollar; for a warrant of any violation of any law or ordinance of said town, one dollar; for swearing a jury or presiding over a trial, one dollar; for subpoenas, fifteen cents each; for original judgment in civil cases, twenty-five cents each; for granting an attachment, injunction, writ of *ne exeat* or *habeas corpus*, one dollar; in all other cases his fees shall be the same as justices of the peace for like services, and he shall have the same power to issue fee-bills that justices of the peace now have; and they shall be collectable in the same way: *Provided*, That all processes issued by said police judge shall run in the name of the Commonwealth of Kentucky.

Town marshal to
be appointed by
trustees

§ 8. That the office of town marshal is hereby created in said town of Anchorage, and a marshal for said town shall be appointed by the board of trustees. He shall perform such duties as may be required of him by the board of trustees, and execute all processes which may be requisite to the enforcement of by-laws and ordinances of said town; and shall execute bond for the faithful performance of his duties if required by the board of trustees; and his term of office shall be at the option of said trustees.

May levy and
collect a tax upon
shows.

§ 9. The board of trustees shall have power to levy and collect a tax upon all shows and exhibitions in said town, not exceeding twenty dollars for every twenty-four hours such show or exhibition may remain and be kept open in said town.

May grant li-
cense to taverns,
coffee-houses, &c

§ 10. That said board of trustees shall have full discretion and authority as to the question of granting license to taverns, coffee-houses, or other places in the town in which intoxicating liquors would be sold; they may refuse all such licenses. If license to sell intoxicating liquors, whether in a tavern, coffee-house, grocery, or store, be granted, the annual tax therefor shall not be less than fifty nor more than two hundred dollars.

Fees of town
marshal.

§ 11. That the town marshal shall be entitled to a fee of one dollar for each defendant for executing a violation of any of the by-laws or ordinances of said town; and in all other cases his fees and commissions shall be the same as those of constables for similar services; and he shall collect them in the same manner; and he shall, by himself or deputy, duly qualified, execute all the processes of the police judge within the county of Jefferson.

§ 12. It is hereby understood that no power is delegated to the officers of said corporation to interfere with the management or control of the railroads running through said corporation, or to lessen the speed of trains running thereon.

Officers not to interfere with railroads.

§ 13. That the incorporated boundary of said town of Anchorage shall include a voting precinct, the place of voting to be designated by the board of trustees.

Voting precinct to be designated by trustees.

§ 14. This act to take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 302.

AN ACT to incorporate the Oxmoor Burying-ground Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. J. F. Bullitt, John C. Bullitt, Thos. W. Bullitt, Henry M. Bullitt, Henry Chenoweth, and Sue B. Dixon, are hereby created a body politic and corporate in law, with perpetual succession, with power to contract and be contracted with, to sue and be sued, and with such other corporate powers as may be necessary or convenient to the purposes of its creation as herein explained.

Corporators.

Corporate powers.

§ 2. Said corporation shall have power to receive and hold any fund or funds donated, or in any manner conferred upon it, for the purpose of keeping in good repair and improving the burying-ground of the Bullitt family, located near the Lexington Turnpike Road, about eight miles from Louisville, on the farm known as Oxmoor; and it shall be the duty of said corporation to invest in such real, or government, or municipal corporate securities as it may deem best, such funds as may be so acquired by it, and to apply the income thereof to such purposes of repair and improvements as aforesaid.

May receive and hold donations conferred upon it

§ 3. A majority of the members of said corporation, at any given time, shall constitute a quorum for the transaction of business, and votes may be cast in person or by proxy. They may elect a president and treasurer, and make any rules and by-laws for their government not inconsistent with law or this charter.

A majority of members to constitute a quorum.

§ 4. Vacancies among the members may be filled by an election, to be held by the surviving members, from among the descendants of the late Wm. C. Bullitt.

Vacancies—how filled.

Approved March 6, 1878.

CHAPTER 303.

AN ACT to incorporate the Benefit Association of the Grand Lodge of Kentucky Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate powers. § 1. That the Benefit Association of the Grand Lodge of Kentucky of the Independent Order of Odd Fellows, which was organized by the said Grand Lodge, at its session held in October, 1877, be, and the same is hereby, incorporated; and in that name it may sue and be sued, contract and be contracted with; have and use a common seal, and change the same at pleasure.

Business of association. § 2. That the business of said association shall be to levy assessments upon its members, collect the same, and pay benefits to the widows, orphans, relatives, and appointees of its deceased members, as may be provided by its by-laws.

To be governed by by-laws adopted by the Grand Lodge. § 3. That said association shall be governed by by-laws adopted by the said Grand Lodge, and that those adopted by the said last session thereof shall be in force until the same are altered or amended according to their provisions.

Exempt from taxation to the amount of \$5,000. § 4. That the said association being a purely charitable one, its funds and property shall be exempt from taxation: *Provided, however,* That the same shall not exceed at any time the sum or value of five thousand dollars.

Benefit fund not liable to any debt of the decedent. § 5. That no part of the benefit fund, payable to the widows, orphans, relatives, or appointees, upon the death of a member of said association, shall be subject to any debt or liability of such decedent, nor shall his interest in said association, before his death, be subject to any debt or liability of his.

§ 6. This act shall take effect immediately upon its passage.

Approved March 6, 1878.

CHAPTER 304.

AN ACT for the benefit of H. D. Porter, late sheriff of Elliott county, and his securities.

WHEREAS, On the — day of June, 1875, there was a judgment rendered against H. D. Porter and his sureties on his revenue bond for the year 1874, for the sum of one thousand five hundred and fifty-five dollars and fifteen cents, with ten

per cent. interest from the 1st of June, 1874, and costs of motion; and whereas, on the 17th day of January, 1876, said judgment was satisfied by sale of three several tracts of land, one belonging to Jas. W. S. Porter, one to R. F. Wells, and one to Jerry Lewis, each of which brought less than two thirds of their value; and whereas, said year was an extreme hard year on the tax-payers, making it impossible to collect the revenue without great oppression to the poor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when said H. D. Porter and his sureties, or either of them, shall pay the full amount of said judgment, to-wit: one thousand five hundred and fifty-five dollars and fifteen cents, and the costs of said motion, into the Treasury of the Commonwealth, the Auditor of Public Accounts is hereby directed to give to said H. D. Porter a receipt in full for his revenue for the year 1874, and to each of the said sureties a certificate of the redemption of their several tracts of land: *Provided, however,* That they make said payment on or before the 17th day of January, 1879, the time their equity of redemption expires.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 305.

AN ACT to amend an act, entitled "An act to regulate the manner of holding and transmitting church property of the Roman Catholic Church in the Diocese of Covington," approved March 9th, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to regulate the manner of holding and transmitting church property of the Roman Catholic Church in the Diocese of Covington," approved March 9, 1854, be, and the same is hereby, amended as follows: that the last proviso in section one of said act, limiting the annual income to the sum of ten thousand dollars, and the real estate to fifty acres, be, and the same is hereby, repealed; and it is also hereby enacted as a part of said act, that the Catholic Bishop of Covington, and his lawful successors in office, shall have power and authority to mort-

gage any estate which he may have acquired by succession, or which may have come to him in any manner, to secure any loans, bargains, exchanges, or contracts made by him for the benefit of the Catholic Church of the Diocese of Covington; and he shall have power to pay off and redeem any and all mortgages so heretofore made, and have the same canceled and released: *Provided*, That no mortgage to secure any loans, bargains, exchanges, or contracts, in pursuance of the provisions of this act, shall be made, except upon the property of the congregation for whose use and benefit said loans, bargains, exchanges, or contracts shall be, and then only upon the consent and request of the proper authorities of such congregation; and the money or property so received upon such mortgage shall be applied for the benefit of said congregation, and for no other purpose, by the proper authorities thereof.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 306.

AN ACT to incorporate the Bank of Deposit of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bank established
—capital stock.

§ 1. That there is hereby established a bank of deposit in the city of Mayfield, with a capital of two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Mayfield Bank of Mayfield, and shall so continue for fifty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure.

To be controlled
by four directors.

§ 2. Said bank shall be under the control and direction of four directors, each of whom shall be a stockholder. They shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected

and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and, in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell, to declare dividends of profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholders.

§ 3. J. F. McElrath, R. T. Allbritton, Lucien Anderson, and R. L. Anderson, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when two hundred shares have been subscribed, it shall be their duty to give notice in one newspaper published in said city of Mayfield, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after ten thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper in said city for thirty days, may, by resolution entered on their records, forfeit such stock, and resell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation; said corporation may commence business so soon as ten thousand dollars shall have been paid in, and the

Commissioners
to open books &
receive subscrip-
tions.

president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

§ 4. Said bank may receive deposits of gold and silver, bank notes and other notes, which may be lawfully circulating as money, and repay the same in such manner and at such time as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities, except real estate, for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking-house, or at any other bank in this State, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the acceptors, drawers, and indorsers.

§ 5. The said corporation may require, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

§ 6. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 8. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 9. This act shall be and take effect from its passage.

Approved March 6, 1878.

CHAPTER 307.

AN ACT to authorize Jessamine county to purchase additional land adjoining the court-house lot, and to levy a tax to pay for the same.

WHEREAS, It is represented that it is the purpose of the Jessamine county court to erect for said county a new court-house; and whereas, the public square of said county is too small for the convenient use and erection of said building; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Jessamine county court is hereby authorized and empowered to purchase, for the use of said county, such additional land adjoining the court-house lot as it may deem necessary, not to exceed two acres, and to levy an ad valorem tax on all property listed in said county for State revenue purposes, not exceeding fifty (50) cents on each one hundred dollars, to pay for said land.

§ 2. This act shall be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 308.

AN ACT for the benefit of H. B. Literal and Stephen Nethercutt, late sheriffs of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given to H. B. Literal and Stephen Nethercutt, late sheriffs of Carter county, and their deputies, in which to collect, by distraint or otherwise, all uncollected back taxes which they, or either of them, have accounted for, and all fee-bills due to said sheriffs, or either of them: *Provided*, That said sheriffs shall be liable for collecting illegal fee-bills and back taxes as now prescribed by law.

§ 2. That said sheriffs shall have authority to list said fee-bills and back taxes with any constable or town marshal in the State of Kentucky for collection; and said constables and

town marshals shall have power to collect the same in the same manner, and under the same restrictions, as sheriffs now have by law, except they shall not have power to sell land.

§ 3. This act shall take effect and be in force from its passage.

Approved March 6, 1878.

CHAPTER 309.

AN ACT to authorize the county court of Lincoln to pay for arresting Sam'l Holmes.

WHEREAS, On the night of the 19th day of September, 1869, Col. Thomas W. Napier, at that time sheriff of Lincoln county, was shot and killed by Samuel Holmes; and at a county court held in and for said county on the 11th day of October, 1869, a reward of one thousand dollars was, by an order of said court, offered for the arrest and delivery of said Holmes to the jailer of said county; and whereas, the said Holmes was arrested on the 16th day of December, 1877, and delivered to the jailer of Lincoln county; and as some doubts have arisen as to the authority of said court to pay the reward so offered, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lincoln county be, and it is hereby, authorized, at its June term, 1878, a majority of the justices being present, to add one thousand dollars to the claims allowed at the October term, 1877, to be paid out of the county levy for 1878, which one thousand dollars so added to the indebtedness of said county shall be for the purpose of paying said reward to the captors of Samuel Holmes, charged with the killing of Thomas W. Napier, late sheriff of said county; and when the county levy, or enough thereof to pay said one thousand dollars, shall have been collected by the proper officer, the treasurer of said county is directed to pay the same upon the order of the county judge, taking therefor a proper voucher from the parties entitled thereto.

§ 2. That this act shall take effect and be in force from its passage.

Approved March 6, 1878.

CHAPTER 311.

AN ACT to amend an act approved March 20th, 1876, entitled "An act to incorporate the town of Turner's Station, Henry county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in case a vacancy shall occur at any time in the office of town trustee of the town of Turner's Station, in Henry county, the remaining members of the board shall, at any regular meeting, have the power to fill said vacancy or vacancies; and the person or persons so appointed shall continue in office until the next regular election.

§ 2. That the town marshal of said town shall have the same powers and jurisdiction as constables of said county.

§ 3. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 312.

AN ACT to incorporate the town of Camdenville, Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Camdenville, Anderson county, be, and the same is hereby, incorporated, with the following boundaries: beginning at the residence of Wm. A. Stevens, followed the creek to Salt river; thence up the river to a point on the bank opposite C. N. Harris' distillery; thence on a straight line to said distillery, including all houses about the same; thence on a straight line to the house of Wm. A. Stevens, known as the John Gillis house; thence to the beginning, including all the named points, except the dwelling of W. A. Stevens.

§ 2. That an act, entitled "An act to incorporate the town of Anderson City," approved April 21, 1873, in so far as it does not conflict with this act, shall be made part hereof; and where the name of Anderson City occurs the word Camdenville shall be inserted instead.

§ 3. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 313.

AN ACT to incorporate the purchasers of the Hardinsburg and Cloverport Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the purchasers of the Hardinsburg and Cloverport Turnpike Road, under a decree of sale of the Breckinridge circuit court, who now hold the same under and by virtue of such sale and purchase, are hereby declared to be a body-politic and corporate, and entitled in law to enjoy, hold, and use all the franchises and privileges heretofore granted by law to the Hardinsburg and Cloverport Turnpike Road Company in its original charter, and all the amendments subsequently passed by the General Assembly of this Commonwealth.

§ 2. That all acts done by said purchasers since they acquired possession under and by virtue of the decree and sale aforesaid, are hereby ratified and declared to be legal as if done under a grant of power by the General Assembly to them in an incorporated capacity, and shall be held and treated as such by all persons: *Provided, however,* That this section shall not be construed to embrace acts which may have been done inconsistent with the original charter and amendments.

§ 3. That the said purchasers shall have power to lease the said road, to such persons as may be deemed suitable by the board of directors of the company, for any term of years they think proper, and upon such terms as may, by said board, be deemed advantageous and desirable; and any contracts of lease heretofore made are hereby declared legal and binding, both upon the company and upon the lessee or lessees.

§ 4. But nothing herein legalized or permitted shall be inconsistent with the general laws governing turnpike road companies.

§ 5. This act shall take effect and be in force from its passage.

Approved March 6, 1878.

CHAPTER 314.

AN ACT for the benefit of W. D. McGuire, of Rockcastle county.

WHEREAS, W. D. McGuire was, at the October term, 1875, of the Jackson circuit court, fined in different cases, amounting in the aggregate to eighty dollars, for keeping a tippling-house, and seventy per centum of the said fines was, on the 19th day of June, 1876, remitted by the Governor; but before the certificates of remittance were received by the said W. D. McGuire, he paid the full amount of the fines to the Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasurer in favor of W. D. McGuire for the sum of fifty-six dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 315.

AN ACT for the benefit of Benjamin B. Adams, committee of Vena L. Adams, a pauper idiot of Magoffin county.

WHEREAS, The original inquest finding Vena L. Adams, of Magoffin county, a pauper idiot, expired on the 8th day of September, 1876; and by some neglect or oversight no new inquest has since been held; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Benjamin B. Adams, committee of Vena L. Adams, an idiot of Magoffin county, for the sum of seventy-five dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 316.

AN ACT to incorporate the Dry Ridge Turnpike Road Company, of Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company created for purposes of building a road

§ 1. That a company is hereby created for the purpose of building an artificial or turnpike road in Woodford county, Kentucky, from a point on the Versailles and Nicholasville Turnpike Road, not further from the town of Versailles than where the old Scott's road crosses that pike, to a point on the Shannon's Run and Clear Creek Turnpike Road, at or near a point where the farm of Aaron Farra joins the farm of the late David C. Humphreys.

Name and style and corporate powers.

§ 2. The name and style of said company shall be "The Dry Ridge Turnpike Road Company," and by that name it shall sue and be sued, contract and be contracted with, and may hold, acquire, sell and convey, all real and personal property necessary for the purpose of constructing said road and keeping it in operation, and shall have all the privileges and franchises incident to such corporations.

Capital stock.

§ 3. The capital stock of said company shall be five thousand dollars, to be increased or decreased at the will of the company, to be divided into shares of twenty-five dollars each.

Commissioners to open books for subscriptions.

§ 4. Aaron Farra, B. W. Giltner, S. D. Hurst, James W. Bright, and R. B. George are hereby appointed commissioners, who, or any two of whom, may open a book for subscriptions to the stock of the company, at such time and place as they may determine, of which due notice shall be given by written notice placed at the court-house door in Versailles; and the subscribers to the stock shall sign therein an obligation, in substance as follows, viz: We whose names are hereunto subscribed respectively promise to pay to the Dry Ridge Turnpike Road Company the sum of twenty-five dollars for each share of stock set opposite to our names, in such proportions and at such times as shall be determined by the president and directors of said company.

County court authorized to take stock.

§ 5. The county court of Woodford county is hereby authorized to take stock in said road, not to exceed the amount per mile which said county court now has authority by law to subscribe to turnpike roads, and the town of Versailles is also authorized to take stock in said road.

§ 6. When the sum of one thousand dollars shall have been subscribed to the capital stock, it shall be the duty of said commissioners, or any two of them, to give notice, in such manner as they may think proper, of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and three directors. One vote shall be allowed for each share of stock; and the officers of this company shall continue in office one year, and until their successors are elected and qualified. The time and place of the election after the first election shall be fixed by the president and directors, a majority being competent to transact the business of the corporation; and no one who does not own stock in said road shall be eligible to the office of president or director in said company.

Election of president and directors — when to take place.

§ 7. Said corporation shall fix and locate the route for the construction of said pike, prescribe the grades, and the width of the metal to be placed thereon, and the mode and manner of constructing the same, and repairing same when needful; may designate the places for toll-gates, acquire land whereon to erect same, fix the rates of toll, regulate and change same; but such rates shall not exceed the rates fixed by the general law, and said road shall not be less than thirty feet in width. After one mile of said may be completed, they shall have the right to charge proportionate toll, and apply the same to the completion or repairing of said road, and so with each additional mile to be completed.

To fix location and prescribe grades.

§ 8. It shall be lawful for the officers and employes of the company to enter with their tools and appliances upon lands over and contiguous to which the intended road shall pass, first giving notice to the owners and occupants thereof. The company shall have power to take and receive the right of way over and through the lands where said road may be located; and if, in any instance, the right of way cannot be procured by agreement with the owner or owners of lands through which the road is to pass, then the company shall apply to the Woodford county court for a writ of *ad quod damnum*, to assess the damages which may be sustained to the owner or owners of such lands; and said court shall issue such writ by its clerk, directing the sheriff of Woodford county, on a day to be named in said writ, to meet upon the lands through which the way is sought to be established, with a jury of twelve discreet housekeepers of said county,

Right of way—how acquired.

not living within two miles of said road; which jury, upon being duly sworn, shall view and assess the damages sustained by the establishment of the right of way for said road; and upon payment or tender of the damages assessed, it shall be lawful for the company to open and make said road, and do all the work pertaining thereto; and the writ of *ad quod damnum*, with the action had thereon, shall be returned to the office of the court whence it issued; and all proceedings thereon shall be the same as are prescribed by the general law when said writ is issued, so far as is not inconsistent with this charter.

May appoint
officers and re-
quire bond and
surety.

§ 9. The president and directors may appoint, from time to time, such officers as they may need, and may require of them bond and surety for the diligent and faithful performance of the duties required of them, and discharge them whenever it may seem proper; such officers to be required, before entering upon the duties of their office, to take an oath, in writing, by them subscribed, before some person authorized to administer the same, that they will faithfully discharge the duties required of them by the directory; which oath and certificate thereof shall be filed among the records of said company.

§ 10. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 317.

AN ACT for the benefit of John Froman, jailer of Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of John Froman for two hundred and fifty dollars, to be paid out of any money in the Treasury not otherwise appropriated; that sum being the amount paid by the said Froman out of his own means for the arrest and delivery of three desperate felons, who made their escape from the Spencer county jail.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 318.

AN ACT to authorize and empower the mayor and council of Owensboro to insert the words "with the privilege to sell spirituous, vinous, and malt liquors by the drink" in licenses issued by the city of Owensboro for the years 1875 and 1876.

WHEREAS, It is represented and made manifest to the General Assembly of the Commonwealth of Kentucky, that in issuing coffee-house license to the vendors of ardent spirits within the city of Owensboro for the years 1875 and 1876, the mayor and council of said city failed and omitted to insert in said license the words "with the privilege to vend spirituous, vinous, and malt liquors by the drink;" and whereas, it is made manifest to this body that the omission to insert said words was unintentional and an oversight of said mayor and council in granting and issuing said license, and said omission makes said license ineffectual as a protection in prosecutions for keeping tippling-houses; and whereas, it is further represented and made manifest, that the vendors of ardent spirits by the drink under said license acted in good faith in obtaining same, and paid to said city government for said license the sum of two hundred dollars, the amount fixed by ordinance of said city for the privilege of vending ardent spirits by the drink, and likewise to the State government for said license the sum of fifty dollars, the sum fixed by statute of the State for said privilege; and whereas, by reason of said omission in granting and issuing said license, the parties vending ardent spirits under said license are being prosecuted for keeping tippling-houses for three months at one time by the Commonwealth of Kentucky; therefore, for remedy,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said city government, by and through its mayor and council, be, and are hereby, authorized and empowered to insert in the grant and issue of said license the words, "with the privilege to vend spirituous, vinous, or malt liquors by the drink."

§ 2. This act is intended to apply only to coffee-house license which were issued by the mayor and council of Owensboro in the years 1875 and 1876 to the vendors of ardent spirits within the city limits of Owensboro, and during said time to such parties only as took out said license in

good faith, and paid therefor the license fee or tax as fixed by the ordinance of the city government and by the statute of the State.

§ 3. In case parties may have lost or destroyed any such coffee-house license as mentioned in this act, the mayor and council may reissue to such parties as have paid therefor the usual tax other licenses in lieu of such as have been lost or destroyed.

§ 4. When the mayor and council of the city of Owensboro shall, in pursuance of this act, insert said omitted words mentioned in the title and section one of this act, in any coffee-house license issued by them during the years 1875 and 1876, such license shall be deemed for all purposes as good and as effectual as if said words had been inserted in said license when first granted and issued by the said mayor and council, and said license shall be operative and a protection to any prosecution instituted in the name of the city of Owensboro or the Commonwealth of Kentucky against parties vending ardent spirits under said license, as fully and as effectually as if said omitted words had been inserted in the grant and issual of said license.

§ 5. This act to take effect from and after its passage.

[This act became a law without the signature of the Governor.]

CHAPTER 320.

AN ACT to increase the jurisdiction of the quarterly court of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in addition to the jurisdiction now given to the quarterly court of Livingston county by the General Statutes, the said quarterly court of Livingston county shall have jurisdiction, concurrent with the circuit court, of all actions for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, exceeds fifty dollars, and does not exceed two hundred dollars.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 321.

AN ACT for the benefit of Louisa Unseld, of Nelson county.

WHEREAS, It appears that the inquest in the case of Louisa Unseld, a colored idiot, expired on the 10th day of June, 1876, and was not again renewed until the 6th day of August, 1877, thus creating an interregnum of thirteen months and twenty six days, for which no allowance has been paid her, as shown by the Auditor's books; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be authorized and directed to draw his warrant on the Treasurer in favor of John L. Spalding, committee of Louisa Unseld, a pauper idiot, for eighty-six dollars and sixty-five cents, amount due her in consequence of the interregnum between the expiration of the inquest in her case, which expired on the 10th day of June, 1876, and the date of the existing inquest, which was held on the 6th day of August, 1877.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 322.

AN ACT to prevent stock from running at large in Kenton and Jefferson counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person owning or having care of any horse, jack, jennet, mule, cattle, sheep, or hog, to permit the same to run at large in Kenton county and Jefferson county after this act takes effect; and any person or persons so offending shall be liable to such penalties as are prescribed and provided for in this act: *Provided*, The provisions of this act shall not apply to stock owned in adjoining counties and wandering into Kenton county.

§ 2. Whenever any stock of the kinds named in section one of this act shall be found running at large, it shall be the duty of the sheriff or his deputies, or the constable of the district where such stock is found, to seize upon and impound said stock, and provide for their care and keeping until the owner

or owners of such stock shall have redeemed them by the payment of all fees and costs of every kind incident to said procedure.

§ 3. Whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs incident to the prosecution of such trespass, recoverable before any officer of competent jurisdiction; and the party injured shall have a lien upon such stock for all damages, costs, and fees.

§ 4. For taking up stock running at large or committing trespass, the officer shall be entitled to the following fees: for each horse, jack, jennet, mule, or colt over six months old, one dollar; for each bull, cow, steer, heifer, or calf over six months old, fifty cents; for each sheep or hog over three months old, twenty-five cents.

§ 5. It shall be the duty of the officer making the seizure to give notice, within five days (if the owner is known) from date of seizure, to the owner or keeper of stock; and if stock found offending against the provisions of this act is not redeemed within five days after service of notice, said officer shall advertise (ten days before selling) such stock for sale in the precinct where said stock was seized upon. The sale shall be proceeded with in the same manner as sales are conducted on executions for the recovery of debt. The sale shall be made on a credit of three months, the purchaser giving bond with approved security; and for sale and advertising, shall receive the same commission and fees as are allowed for sales under execution for debt.

§ 6. Where farms are lying contiguous, there being a division fence between them, the provisions of the General Statutes in such cases made and provided shall govern.

§ 7. When the bond mentioned in the fifth section of this act shall be collected, after all the expenses connected with the seizure and sale shall be paid by him, he shall pay the residue, if any, of the proceeds of the sale, over to the owner of such stock, and the sheriff shall be responsible on his official bond.

§ 8. This act shall be submitted to the qualified voters of Kenton county and Jefferson county, at the next August election; and it shall be the duty of the officers of the election to be held on the first Monday in August, 1878, to open a poll, and propound to each voter who may vote at said election

the question, "Are you for or against the stock law?" and register his vote in accordance with his response to said question, if he desires to vote thereon. The vote shall be certified and returned, examined and compared, as they are required in elections for State and county officers; and in all those election precincts where it shall appear, by the certificate of the examining board, that a majority of those voting voted in favor of the stock law, then the provisions of this act shall take effect and be in force as hereinafter provided; and in those election precincts where a majority of those voting at said election are found by the certificate of the examining board to have voted against the stock law, then this act shall not apply or be in force in said precincts. It shall be the duty of the examining board to make out a certificate, under oath, of the votes cast at said election under the provisions of this act, giving the number of votes cast in each precinct for and against the stock law, and deliver the same to the presiding judge of the county court, who shall cause the same to be entered of record by the county court clerk.

§ 9 It shall be the duty of the sheriff, at least thirty days before the day of the next August election, in each election precinct, in three public places in said precinct, to advertise that a vote will be taken on the first Monday in August, 1878, for and against the stock law.

§ 10 This act shall take effect on the first day of October, 1878 in all the election precincts in Kenton county (except within the city of Covington) and Jefferson county, where the certificate of the examining board shows that a majority of the voters voting were in favor thereof.

Approved March 6, 1878.

CHAPTER 323.

AN ACT to amend an act, entitled "An act for the benefit of Hardin county," approved February 9th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Hardin county," approved February 9th, 1876, be amended by adding, at the close of the fifth section of said act, the words: "And provided further, That when the order of the county court directing the sale shall have been made, the commis-

sioners of the sinking fund shall only make sales of the stock at such times thereafter as, in their judgment, shall be for the best interest of the county; but before making any sale, they shall file with the judge of the county court a statement of the amount proposed to be sold, with the price offered for same, who shall either approve the same or call together the justices of the peace of the county, who, a majority being present and voting, shall, by a majority vote of those present, either consent to or reject the proposed sale.

Approved March 6, 1878.

CHAPTER 324.

AN ACT for the benefit of Ezekiel Cecil.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of sixty-two dollars and fifty cents be, and the same is hereby, appropriated for the benefit of Ezekiel Cecil, for keeping and supporting Geo. Cecil, a pauper idiot, from the first of May, 1875, to the first of March, 1876, and the Auditor of Public Accounts is directed to draw his warrant on the Treasury in favor of Ezekiel Cecil for said amount.

§ 2. That this act take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 325.

AN ACT for the benefit of R. M. Pieratt, sheriff of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of the said R. M. Pieratt for the sum of seventeen dollars and forty-four cents.

§ 2. That this act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 326.

AN ACT to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of said company as permits jurymen to pass over said road free of toll be, and the same is hereby, repealed; and hereafter said company may collect toll from jurymen as from other persons.

§ 2. That the Clark's Run and Salt River Turnpike Road Company be, and they are hereby, authorized to collect toll on freight of all kinds hauled over their road for the distance such freight may be hauled on the same; and when any such freight is hauled a part of the distance, it may pass over said road by one person, and the residue of such distance by another person; said company may collect from the person hauling the same through the gates of said road the same toll as if such person had hauled the same the entire distance it passed over said road.

§ 3. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 327.

AN ACT to prohibit the sale of intoxicating drinks within three miles of Cottage Home College, in Logan county.

WHEREAS, The proximity of places for the sale of intoxicating liquors to the students of literary institutions is known to be injurious to the students and to the schools; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of intoxicating drinks shall not be made within the distance of three miles from Cottage Home College, in Logan county, Kentucky.

§ 2. *And be it further enacted;* That any person or persons violating this act shall be subject to a fine of fifty dollars for each and every such violation, one half of which amount shall go to the use of Logan county, Kentucky, and the remainder to the use of the informant.

§ 3. This act shall be in force from and after the day of its passage.

Approved March 6, 1878.

CHAPTER 328.

AN ACT to incorporate Merritt Lodge, No. 147, Independent Order of Odd Fellows, of Blandville, Ballard county, Kentucky, empowering said lodge to erect a building to be known as Odd Fellows' Hall, and authorizing said lodge to issue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

<p>Corporators.</p> <p>Name and style.</p> <p>Corporate powers.</p>	<p>§ 1. L. C. Ray, T. L. Glenn, E. W. Horr, A. S. Taylor, W. C. Ray, L. W. Weaver, J. W. Boyd, W. W. Jenkins, J. D. White, and their associates and successors, be, and they are hereby, created a body-corporate, by the name and style of Merritt Lodge, No. 147, of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when they deem proper; and they may change and renew the same at pleasure, provided they be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and re invest and dispose of the proceeds.</p>
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<p>Authority to erect a building and issue bonds.</p>	<p>§ 2. That the said lodge is hereby authorized to erect a building in the town of Blandville, to be known as "Odd Fellows' Hall;" to rent out and collect the rents for such portions of said building as it may deem proper; and to enable the said lodge to erect the said building, it is hereby authorized to issue its bonds to an amount not exceeding two thousand dollars. Said bonds shall be of denominations not less than twenty-five dollars nor more than one hundred dollars each, and shall bear not exceeding eight per cent. interest per annum, payable semi-annually at the office of the treasurer of</p>
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said lodge, for which coupons shall be thereto attached; and the principal of said bonds shall be payable in five years from their date, but they may be redeemed, at the pleasure of said lodge, in the order of their issue. The said bonds shall be signed by the noble grand, and attested by the secretary of said lodge, and shall have its lodge seal affixed to them; and the coupons shall be signed by the secretary of said lodge.

§ 3. The said building and the ground on which it is erected, and any insurance thereon, shall be bound for the payment of said bonds and their interest, and a lien in the nature of a mortgage shall exist thereon for that purpose, which shall be prior to any and all other claims or encumbrances; and the rents which may accrue therefrom, after payment for insurance, taxes, and necessary repairs, shall be applied to the payment of the interest and the principal of said bonds; and the said lodge is authorized to create a sinking fund out of any excess of rents after payment of interest and any other revenues, for the payment of the principal or the redemption of said bonds.

Building and
ground bound for
payment of
bonds and inter-
est.

§ 4. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 329.

AN ACT to amend an act, entitled "An act to authorize the trustees of Braudenburg to sell and convey real estate in corporate limits."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be amended by adding after the word "warranty," in the third line of section one of said act, the words "or lease;" and by striking out of said section the clause "east of the McIntire cooper-shop," and by enacting in lieu thereof the words "west of the McIntire cooper-shop forty feet;" and the second section of said act is amended by adding the words "or lease" after the word "sell," in the second line of said section, and after the word "purchaser," in the fourth line thereof, the words "or lessee;" and by adding the words "or lessee" after the word "purchaser," in the second line of the third section of said act.

§ 2. This act to take effect from its passage.

Approved March 6, 1878.

LAWS OF KENTUCKY.

CHAPTER 330.

AN ACT in aid of school district No. 46, Grayson county.

WHEREAS, The commissioner of Grayson county made a mistake of ten children for district No. 46, Grayson county, for the school year ending June 30th, 1877, in his report to the Superintendent of Public Instruction; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of nineteen dollars be appropriated to district No. 46, Grayson county, to be paid upon the warrant of the Superintendent of Public Instruction to the commissioner of said county, to be paid by him to the teacher of district No. 46, said warrant to be paid out of the unbonded surplus remaining to the credit of Grayson county.

§ 2. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 331.

AN ACT for the benefit of Mary Cox, of Lee county.

WHEREAS, On the 28th day of December, 1874, certain lands in Lee county, Kentucky, the property of Mary Cox, were sold by the sheriff of said county for taxes due him for State revenue for the year 1874; and whereas; the Commonwealth became the purchaser thereof at the sum of six dollars and sixty-seven cents, being the amount of taxes and sheriff's commission thereon; and whereas, the right of redemption in and to said lands having expired, and the title to same vested in the Commonwealth of Kentucky; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whenever the said Mary Cox shall pay the Auditor the said sum of six dollars and sixty-seven cents, with interest thereon at the rate of thirty per cent. per annum, he shall receipt to her therefor; and all forfeitures of her said lands are hereby declared null and void, and she shall be remitted to full and complete ownership thereof as if no forfeiture had ever been made, and the Auditor shall give her a certified statement of release, in writing, to that effect; and upon the production of the same to the clerk of the county court of said county, he shall enter it upon the margin of the

record of said land: *Provided*, That all taxes due on said land be paid before January 1st, 1879.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 332.

AN ACT to authorize the trustees of Brandenburg to sell and convey or lease real estate lying in the corporate limits of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the trustees of Brandenburg, Kentucky, a majority of the board concurring therein, to sell and convey, with clause of general warranty, or to lease for a term of years, any portion of the land lying within the corporate limits of said town between the rock wall on Main street, as now adopted by usage and kept up by the town, and the adjacent lots on the east side of old Main street, according to the original survey of streets and alleys and lots of said town, and north of Monroe street.

§ 2. The trustees, or a majority thereof, are authorized and empowered to sell or lease all or any portion of the land mentioned in section one of this act, either publicly or privately; and any payments made by the purchaser or lessee to the treasurer of said board, or if there be none, to the chairman, shall be valid.

§ 3. The said trustees are authorized to receive the amounts due from purchasers or lessees of said land, and expend the same for the improvement of the streets, alleys, &c., of said town, as in their judgment may seem just and proper.

§ 4. This act to take effect from its passage.

Approved March 6, 1878.

CHAPTER 333.

AN ACT to incorporate Limestone Lodge, No. 36, Knights of Pythias, Maysville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. P. Phister, M. C. Russell, Thos. H. Mannen, O. D. Burgoyne, B. F. Bondel, Jno. A. Mitchell, and Jno. Corporators.

Name and style. Heiser, their associates and successors, be, and they are hereby, constituted a body-corporate and politic, by the name and style of Limestone Lodge, No. 36, Knights of Pythias, of Maysville, Kentucky; and by that name and style shall have perpetual succession; and shall thereby be capable in law of contracting and being contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity in this Commonwealth; to acquire and hold such real estate and personal property as may be necessary and proper to carry out the object and purpose of their association; and to sell and convey and dispose of any and all real or personal property which they may now have, or hereafter become possessed of, at pleasure; the real estate owned by them shall at no time exceed fifty thousand dollars in value.

Corporate powers.

Care of funds and investments confided to trustees of association. § 2. That the supervision and care of the funds, investments, and other lodge property, shall be, and is hereby, intrusted and confided to three of the members of said association or lodge, and their successors in office, who are to be known as Trustees of said Association or Lodge, who shall have full power to make contracts pertaining to real estate or personal property of said lodge in every respect, either purchasing, building, renting, or for any other purpose, as the said lodge may direct, pursuant to the rules, by-laws, and instructions of said lodge.

May borrow money and issue bonds or notes.

§ 3. The said lodge shall have and are hereby given the power to borrow money to an amount not exceeding five thousand dollars, and issue their bonds or notes for the payment thereof, bearing a rate of interest not exceeding eight per cent. per annum; and to secure the payment of same, may mortgage any or all of their real estate or other property.

May make by-laws.

§ 4. That said lodge may, at any time, make and adopt such by-laws, rules and regulations, for their government, as they may, from time to time, deem necessary and expedient, not inconsistent with the Constitution and laws of this State or of the United States; may have a common seal, and may change or alter the same at pleasure.

§ 5. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 334.

AN ACT to consolidate common school district No. 35, Calloway county, with Murray Male and Female Institute.

WHEREAS, The patrons of the Murray school district, No. 35, in Calloway county, are desirous of consolidating said common school with the Murray Male and Female Institute, and of giving the trustees of said institute equal and full powers of common school trustees; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That either the common school commissioner of said county or the chairman of the board of trustees of said institute shall open a poll at the court-house in the town of Murray, on the first day of April, 1878, and submit a proposition to the white voters entitled to vote under the common school law in common school district No. 35, in Calloway county, whether or not the trustees of Murray Male and Female Institute shall be the trustees of said common school district; ten days' notice prior thereto, put up in five or more conspicuous places in said district by said commissioner or chairman, shall be given, stating clearly the object, where and when said poll shall be opened, and the election held by them, or either of them, showing clearly who voted for and against said proposition; and at the close of said poll said commissioner and chairman, or either of them holding said election, shall ascertain and certify, at the foot of said poll-book, how many voted for and how many against said proposition; and if it shall appear that a majority of the votes cast at said election shall have voted for said proposition, the trustees of said institute, and their successors in office, shall be deemed and declared the common school trustees for said district, with all the powers and privileges, and subject to all the pains and penalties, and perform all the duties of common school trustees. A copy of the notice, and a copy of the certificate, showing the result of the election, shall be delivered to the secretary of the board of trustees of said institute, who shall record the same in the record-book of said institute, whereupon said trustees of said institute shall make suitable orders on their record-books accepting thereunder.

§ 2. At said election, the officer or officers holding the same, after having given notice in the same manner and

Heiser, their associates and successors, be, and they are hereby, constituted a body-corporate and politic, by the name and style of Limestone Lodge, No. 36, Knights of Pythias, of Maysville, Kentucky; and by that name and style shall have perpetual succession; and shall thereby be capable in law of contracting and being contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity in this Commonwealth; to acquire and hold such real estate and personal property as may be necessary and proper to carry out the object and purpose of their association; and to sell and convey and dispose of any and all real or personal property which they may now have, or hereafter become possessed of, at pleasure; the real estate owned by them shall at no time exceed fifty thousand dollars in value.

Name and style.

Corporate powers.

Care of funds and investments confided to trustees of association.

§ 2. That the supervision and care of the funds, investments, and other lodge property, shall be, and is hereby, intrusted and confided to three of the members of said association or lodge, and their successors in office, who are to be known as Trustees of said Association or Lodge, who shall have full power to make contracts pertaining to real estate or personal property of said lodge in every respect, either purchasing, building, renting, or for any other purpose, as the said lodge may direct, pursuant to the rules, by-laws, and instructions of said lodge.

May borrow money and issue bonds or notes.

§ 3. The said lodge shall have and are hereby given the power to borrow money to an amount not exceeding five thousand dollars, and issue their bonds or notes for the payment thereof, bearing a rate of interest not exceeding eight per cent. per annum; and to secure the payment of same, may mortgage any or all of their real estate or other property.

May make by-laws.

§ 4. That said lodge may, at any time, make and adopt such by-laws, rules and regulations, for their government, as they may, from time to time, deem necessary and expedient, not inconsistent with the Constitution and laws of this State or of the United States; may have a common seal, and may change or alter the same at pleasure.

§ 5. This act shall take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 334.

AN ACT to consolidate common school district No. 35, Calloway county, with Murray Male and Female Institute.

WHEREAS, The patrons of the Murray school district, No. 35, in Calloway county, are desirous of consolidating said common school with the Murray Male and Female Institute, and of giving the trustees of said institute equal and full powers of common school trustees; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That either the common school commissioner of said county or the chairman of the board of trustees of said institute shall open a poll at the court-house in the town of Murray, on the first day of April, 1878, and submit a proposition to the white voters entitled to vote under the common school law in common school district No. 35, in Calloway county, whether or not the trustees of Murray Male and Female Institute shall be the trustees of said common school district; ten days' notice prior thereto, put up in five or more conspicuous places in said district by said commissioner or chairman, shall be given, stating clearly the object, where and when said poll shall be opened, and the election held by them, or either of them, showing clearly who voted for and against said proposition; and at the close of said poll said commissioner and chairman, or either of them holding said election, shall ascertain and certify, at the foot of said poll-book, how many voted for and how many against said proposition; and if it shall appear that a majority of the votes cast at said election shall have voted for said proposition, the trustees of said institute, and their successors in office, shall be deemed and declared the common school trustees for said district, with all the powers and privileges, and subject to all the pains and penalties, and perform all the duties of common school trustees. A copy of the notice, and a copy of the certificate, showing the result of the election, shall be delivered to the secretary of the board of trustees of said institute, who shall record the same in the record-book of said institute, whereupon said trustees of said institute shall make suitable orders on their record-books accepting thereunder.

§ 2. At said election, the officer or officers holding the same, after having given notice in the same manner and

for the same length of time, shall submit in the same way to said voters the proposition of voting a tax, not exceeding forty cents on each hundred dollars' worth of property in said district subject to taxation for revenue purposes, to better pay teachers to teach a common school session of five months within every common school year hereafter, free to all the white children within the common school age residing in said district prior to the first day of July preceding the commencement of said five months' session for that year; and at the close of said poll said officer or officers shall ascertain and certify, at the foot of said poll-book, how many voted for and how many against said tax; and if it shall appear that a majority of the votes cast at said election shall have voted for said tax, the same shall be declared carried. A copy of the notice, and a copy of the certificate, showing the result of the election for and against the tax, shall be delivered to the secretary of the board of trustees of said institute, who shall record the same in the record-book of said institute; whereupon said trustees shall, within five days after said election, levy the tax by suitable orders entered in their record-book on all the taxable property in said district, and in accordance with the amount specified in said notice, not exceeding forty cents on each one hundred dollars, for the ensuing common school year, and shall likewise make the levy on or before the 10th day of January for each and every year thereafter.

§ 3. After said tax shall have been levied, as prescribed in the preceding section, the assessor of Calloway county, or some suitable person appointed by said board, shall proceed to list, in a suitable book for that purpose, all the taxable property in said district in the same way and in the same manner and within the same time and under the same pains and penalties that other property is listed for taxation for State revenue; said board of trustees shall fix and agree on the compensation for making the assessment; the book in which the assessment is made shall be completed and turned over to the board of trustees on or before the first day of May in each year, a record of which shall be made at the time, whereupon said board of trustees shall appoint three competent and qualified persons as supervisors of said assessment, who, after being sworn, shall have the same powers and perform the same duties as the supervisors for the county, and who shall, within five days thereafter, return said book to said board of

trustees after having made such changes and additions as they may deem just.

§ 4. Said board of trustees shall, on or before the tenth day of May in each year hereafter, deliver to the sheriff of Calloway county said assessor's book for that year, taking his receipt for the same, showing the amount to be collected, who shall have the same powers to collect the same and perform the same duties as, in collecting the State revenue; said sheriff shall be liable on his official bond to said board of trustees for the amount receipted for by him; and for any violation of this act, with thirty per cent. damages and six per cent. per annum interest thereon, for all moneys not paid over by him to the treasurer of said board of trustees by the 15th day of September in each and every year: *Provided*, Said treasurer of the board of trustees of said common school shall have given bond, with good and acceptable security, for the faithful paying out and accounting for the same in the name of the Commonwealth of Kentucky, for the use and benefit of the board of trustees for common school district No. 35, in Calloway county.

§ 5. Said board of trustees shall make settlement with said sheriff on or before the 15th day of September in each year hereafter, allowing said sheriff such credits for his delinquent list, made out and sworn to by him, as may seem just, together with six per cent. commission on the whole amount collected and paid over by him; said sheriff may pay the assessor his fee for making the assessment, and be allowed a credit therefor, not exceeding the amount agreed upon.

§ 6. Immediately after the settlement and paying over to the treasurer of said board by the sheriff, said treasurer shall make his written report to the board of trustees showing any balance in his hands from last settlement, together with the amount received, by taxation or otherwise, for that year, which report shall be recorded by the secretary of said board on the record-book of said institute.

§ 7. The common school funds due from year to year to district No. 35, in Calloway county, shall, after this act shall be put in force, be paid over to the treasurer of said board of trustees by the common school commissioner of said county, or those authorized to pay out the same.

§ 8. The treasurer of the board of trustees shall pay out the moneys coming to his hands under this act to the teachers

and file the same, with his indorsement thereon of the time of filing the same. If the owner resides in the county, he shall forthwith issue a summons, commanding the owner of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer into whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at the next term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time, not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of lands sought to be condemned for said road, shall find for the owner or owners the actual value of the land proposed to be taken; but in estimating the damages resulting incidentally to the other land or property of such owner, they shall set off said damages against the advantages to be derived from the building and operating of said road: *Provided*, That the land condemned for said railway shall not be more than sixty six feet wide, unless said company shall file with the court, at the time for the appointment of commissioners or afterwards, the affidavit of some one of its engineers, stating that greater width is necessary, and how much more is required, when the requisition shall be for the quantity thus stated; and whenever it shall be necessary for said company to have, use, or occupy any lands for the construction or repair of said road or their necessary works, the president and directors, or their agents, or those contracting with them for the construction or repair of the same, they having first caused the property wanted to be viewed, and damages assessed by the commissioners appointed as herein provided, and the amount of damages by them assessed paid to the owner, or deposited with the clerk of the county court of the county in which said land lies, it shall not be necessary, after such view and the filing of the commissioners' report, in order to use and

occupy the same, to await the issue of the proceedings upon such inquest."

§ 2. This act to take effect and be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 336.

AN ACT for the benefit of E. M. Fisher, sheriff of Taylor county.

WHEREAS, E. M. Fisher did not qualify as sheriff of Taylor county, Kentucky, until in November last, and there was no county court on the first Monday in January, 1878, it being the day for the regular term of said county court, and therefore said Fisher was unable to execute bond for the collection of the State revenue for said county, as required by law; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said E. M. Fisher, sheriff of Taylor county, Kentucky, shall have, and he is hereby granted, further time until and including the first Monday in March next, in which to execute his revenue bond for the collection of the State revenue for the year eighteen hundred and seventy-eight for said county.

§ 2 That said E. M. Fisher is also granted further time until the first day of June, 1878, in which to pay over the State revenue and railroad tax for said county for the year eighteen hundred and seventy-seven.

§ 3. *Provided*, The county judge of said county is satisfied the sureties of said sheriff is good before any extension of time shall be allowed said sheriff, all of which shall be a matter of record made in open court.

§ 4. This act shall take effect from its passage.

Approved March 6, 1878.

CHAPTER 337.

AN ACT for the benefit of Scott Geary, of Butler county.

WHEREAS, Scott Geary, of Butler county, Kentucky, is a cripple and an invalid, and physically unable to earn a support for himself and family by manual labor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Scott Geary be permitted to peddle, retail, or sell any and all articles of trade in this Commonwealth without license from, or taxation by, the State of Kentucky.

§ 2. This act to be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 338.

AN ACT to authorize John Shaw and W. T. Proffit to erect a mill-dam across Big Barren river, in Monroe county, at or near their mill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Shaw and W. T. Proffit, be and they are hereby, authorized to erect a dam across Big Barren river, in Monroe county, at or near the said Shaw & Proffit's grist-mill, out of rock or wood, for mill purposes; said dam shall not exceed two and one half feet in height above low-water mark, and in nowise shall obstruct the rafting or floating logs or lumber down said stream.

§ 2. This act to take effect from its passage.

Approved March 6, 1878.

CHAPTER 339.

AN ACT to amend an act, entitled "An act to incorporate the Falmouth Turnpike Road Company, in Pendleton county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Falmouth Turnpike Road Company, in Pendleton county," approved April 21st, 1873, be amended as follows: by striking out of the twelfth line of the first section the word "Williamstown," and by adding after the word "beginning," in the sixteenth line of said section, the words, "and either road may be extended beyond two miles by private or other subscription."

§ 2. That said act be further amended by adding after the word "thereof," in the seventh line of the third section, the

words "and on the real and personal property in said town owned by non-residents thereof;" and after the word "levy," in the eighth line, the words "and collect," and after the word "annually," in the fifteenth line, the words "and may have power to borrow money for any length of time, and use any money out of the general fund or resources of the town that may be on hand."

§ 3. That said act be further amended by striking out of the eighth line of the eighth section the words "one half of."

§ 4. This act shall be in force from its passage.

Approved March 6, 1878.

CHAPTER 340.

AN ACT, entitled "An act to repeal an act, entitled 'An act authorizing the county judge of Logan county to appropriate money to keep in repair the turnpike roads in Russellville district, in said county.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act authorizing the county judge of Logan county to appropriate money to keep in repair the turnpike roads in Russellville district, in said county," approved March 15th, 1871, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 341.

AN ACT to amend an act, entitled "An act relating to opening and repairing roads in Boone county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of an act, entitled "An act relating to opening and repairing roads in Boone county," approved January 29th, 1874, be so amended as to authorize and require the several surveyors of the road districts in said county to collect the poll-tax provided for in said act in their respective districts as other taxes are now collected.

§ 2. That section sixth be amended by striking out the "first of July," and inserting in lieu thereof the "first of September,"

and shall be further amended by requiring each road surveyor to present to the county court annually, on the first Monday in January, an itemized account of all money received by him, showing from whom received, and the amount expended, and to whom paid, as well as the names of all persons working out their poll-taxes, and the names of all persons liable to work on roads, who have failed to work, and are delinquent for said poll-tax. The court shall, when the delinquent list is thus returned, place the same in the hands of the constables or marshals in whose districts said delinquents live; and they shall collect the same as sheriffs are now authorized to collect taxes, and shall pay over to the road surveyor in whose district such delinquent resided the amount so collected, and shall receive as compensation therefor one half of said tax. Said constable or marshal so collecting taxes is hereby required to make an annual report to the court of the taxes collected by him, and to whom paid.

§ 3. The judge of the county court shall, upon the complaint of any two tax-payers of said county against any surveyor thereof, cite him to appear and answer, to show cause why he should not be removed; and if, upon a full hearing of the cause, the court is satisfied that the said surveyor has neglected to discharge the duties assigned him under this act, he shall then be removed by the court, and his successor appointed.

§ 4. If any surveyor of roads shall, upon his removal from office, or the expiration of his term of office, fail to pay over in thirty days thereafter to his successor all money in his hands belonging to the road fund, he shall be liable to a presentment to the grand jury, and a fine, on conviction, of not less than five (\$5) nor more than two hundred (\$200) dollars.

§ 5. This act to take effect from and after its passage.

Approved March 6, 1878.

CHAPTER 343.

AN ACT to incorporate the German Evangelical Einigkeits Gemeinde, of Paducah, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George M. Oehlschlaeger, president, Paul Mattill, George Rock, Wm. Nagel, John H. Beyer, secretary, and their successors in office, be incorporated by the name of the German Evangelical Einigkeits Gemeinde, of Paducah; and by that name shall have perpetual succession; may sue and be sued, implead and be impleaded; may purchase, receive, and otherwise acquire and hold property, real estate not exceeding the amount authorized by law, and personal and mixed, and may sell, lease, and otherwise dispose of the same; may have a corporate seal, and change the same at pleasure; and may make contracts and adopt by-laws, not inconsistent with the laws of this Commonwealth or of the United States.

Corporators.

Name.

Corporate powers.

§ 2. That the five persons named in the first section of this act be, and they are hereby, constituted corporation officers of said church, to be called Trustees, who shall severally hold their offices, and manage the affairs of said corporation for the period of two years, or until others shall be chosen to fill their places, in conformity with the constitution of said church, with power to fill any vacancies which may occur.

Corporation officers.

§ 3. The trustees shall be governed by the constitution of the German Evangelical Einigkeits Gemeinde, and by such by-laws as the congregation may from time to time adopt.

Trustees to be governed by constitution of the church and by-laws adopted by congregation.

§ 4. That all the real and personal estate at present belonging to or held in trust for the use and benefit of said congregation, be vested in the corporation created by this act; and that this act shall be subject to amendment or repeal, at the discretion of the Legislature, and shall go into effect from its passage.

Real and personal estate vested in corporation created by this act.

Approved March 6, 1878.

CHAPTER 344.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the town of Stanford," approved April 4th, 1861, and to amend an act, entitled "An act to amend the charter of the town of Stanford," approved March 8th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3, chapter 554, entitled "An act to amend the charter of the town of Stanford," approved March 8th, 1876, be, and the same is hereby, repealed, and in lieu thereof be it enacted, that the board of trustees of the town of Stanford may, from time to time, direct and require the owners of lots or parts of lots in said town, where the same fronts on a street or alley, to cause the same to be paved with sidewalks in front of their respective lots or fractions of lots, of such width of stone, brick, plank, or such material, and in such manner, and at such elevation as the said board may deem proper; and also to repair the streets in such manner as they may direct. If the owner or owners of said lots or fractions of lots shall refuse to have the same made, repaired, paved, graded, or finished with sidewalks within the time and manner prescribed by said trustees, it shall be lawful for said trustees to have the same done at their own costs and charges, and the costs and charges thus expended and incurred by said trustees shall be taken and be a tax upon said lots and fractions of lots, and the owners thereof, respectively, in proportion to the amount which the costs of the whole improvements made under said order bears to the length in front of said lots or fractions of lots, respectively; but notice must be given at least sixty days before the board proceeds to make pavements and sidewalks, and reasonable notice before repairing. Said notice must be in writing, signed by the clerk of the board of trustees, and served by the marshal of the town upon the owner or owners of the lots, or his, her, or their agent or personal representative, if in Lincoln county, if not, upon the occupant; if no occupant, by posting the notice in some conspicuous place on the lots; and it must set forth the requirements of the board in regard to their construction, making, repairing, material, elevation, &c.; and to enforce which, the trustees of the town may institute suits in any of the courts of Lincoln county having jurisdiction of the subject-matter of the suit.

§ 2. That section 4 of said act be, and the same is hereby, amended by striking out the word "two," in the eighth line of said section, and by inserting in lieu thereof the word "one."

§ 3. That section 12, chapter 306, entitled "An act to amend and reduce into one the several acts relating to the town of Stanford," approved April 4th, 1861, be, and the same is hereby, amended as follows: that the trustees of the town of Stanford, in addition to the powers given said trustees in said section, shall have power to license and tax all circuses, theatrical performances, shows and exhibitions of all kinds, in any sum not exceeding fifteen dollars per day; also all itinerant dealers in goods, wares, merchandise, or articles of any kind (except such as sell at wholesale to merchants of the town, and persons selling literary works by subscription), whether the same be sold by sample, subscription, or otherwise, in any sum not exceeding ten dollars per day. All the licenses mentioned in this section may be granted for a year in any sum not exceeding forty dollars for that time; and the trustees may prescribe, by ordinance, adequate penalties to be inflicted upon any person or persons doing business in said town mentioned herein, without first having obtained or procured the proper license.

§ 4. That section 13 of said act be, and the same is hereby, amended as follows: that the police judge of the town of Stanford shall, in addition to his present civil jurisdiction, have concurrent jurisdiction in civil cases when the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars, with justices of the peace and quarterly judge in the county of Lincoln; that the pleadings in said court shall be the same as in justices' courts, and the fees of the judge the same as the fees of justices.

§ 5. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 345.

AN ACT to amend the charter of the town of West Covington, in Kenton county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of West Covington, Kenton county, be amended as follows: That the trustees of said town are hereby authorized and empowered to levy and collect a tax of twenty-five cents on the one hundred dollars on all real estate in said town subject to taxation for the years 1878, 1879, for the purpose of paying the debt incurred and to be incurred by said town in the erection of a town hall, under the provisions of the ninth section of an act approved February 23, 1874, entitled "An act to amend the charter of the town of West Covington, Kenton county," and furnishing same and properly fitting said hall, and the lot on which the same is situated, for the purposes of a town hall.

§ 2. That at all sales of property made by any officer for the collection of any taxes levied under the charter of said town and due to said town, it shall be lawful, when no other bidders shall bid in the property so offered for sale for said town, by any person or persons authorized by the board of trustees so to do, to bid in and purchase said property in the name of said town, so far as may be necessary to collect the taxes levied thereon and the costs of said sale as hereinafter set out. The property so purchased shall be subject to redemption in all respects precisely as though purchased by a private person; and if the same be not redeemed according to the provisions of the charter of said town, the officer making said sale, or his successor in office, shall convey the same to said town, according to law, precisely as if the same had been purchased by a private person; and further, that any statement made by the officer in any bond or certificate or deed concerning the selling or conveying of the property so sold for the payment of any tax as aforesaid, shall be *prima facie* evidence of the truth of the facts stated to have been done by the town trustees or the officer making said sale, or bond, or certificate, or deed; but such statements may be contradicted; and further, that said town is hereby also empowered, in like manner, to purchase and receive a conveyance of any property sold by any legal officer for the satisfaction of any judgments

rendered in any court in favor of said town; and further, that in all sales of real estate for the non-payment of taxes, there shall be allowed the officer making the sale and certificate or bond a fee of twenty-five cents for making the sale and bond or certificate of sale, and such reasonable fee for advertising the sale as the board of trustees shall, by ordinance, prescribe, both of which fees shall be added to the tax and penalty thereon due at date of sale, and the property offered for sale shall be liable for the amount thereof, and shall be sold to pay the same, which amount shall be set out in the advertisement of such sale. The officer making the deed to the purchaser shall be allowed a fee of two dollars, which shall be paid by the purchaser when the deed is tendered to him by such officer.

§ 3. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 346.

AN ACT authorizing the county court of Lincoln county to raise money to erect a jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lincoln county, a majority of the justices being present, may issue the bonds of said county to an amount not exceeding twelve thousand dollars, at a rate of interest not to exceed six per cent. per annum, for the purposes hereinafter named: *Provided*, The bonds to be issued by this act shall not be sold for less than their par value; and the county court aforesaid shall appoint some suitable person to sell said bonds and receive the proceeds thereof, requiring said person to give good and sufficient surety for the faithful performance of his duties.

§ 2. That the proceeds of the bonds authorized to be issued by this act, shall be used in paying for the erection of a new jail-house in said county, together with such cells, sewers, walls, and other appliances necessary for the safe-keeping and comfort of the prisoners who may, from time to time, be confined therein, and also the comfort and convenience of the jailer.

§ 3. That the bonds which by the first section of this act are authorized to be issued, may be in amounts one thousand

dollars each; and the bonds so issued shall be signed and indorsed by the county judge and clerk in their official capacity, and when so indorsed and sold, shall be binding and valid upon said county.

§ 4. That to enable the county court to pay off and discharge the principal and interest of the bonds which they are authorized by this act to issue, they are empowered to make a levy on the taxable property of said county a tax sufficient to pay off the principal and interest of the bonds issued by them under and by virtue of this act; such levy shall be made at the time the county court meets to make the county levy for other purposes, and when a majority of the justices are present.

§ 5. That the interest provided for in this act shall be paid semi-annually on all the bonds issued by said court for the purposes set forth, at the National Bank of Stanford, Kentucky, on the 1st days of January and July of each year, until said bonds are paid off.

§ 6. That said bonds shall be made payable in ten years, or at an earlier time, in the discretion of said court; and that the bonds so issued shall have interest coupons attached to the margin of each bond for each six months' that such bonds may have to run, which coupons shall be signed by the clerk.

§ 7. That this act shall take effect and be in force from its passage.

Approved March 8, 1878.

CHAPTER 347.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Danville," approved March 10, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 3d of section 3d of article 3 of the charter of the town of Danville, approved March 10th, 1873, be, and the same is hereby, repealed.

§ 2. *Be it further enacted,* That the board of trustees of said town shall have power to tax all peddlers, itinerant merchants, and vendors of goods, wares, and merchandise, or property of any kind (live stock excepted), who shall sell the same within the limits of the town, in any sum not exceeding two hundred dollars per annum, and affix a penalty by ordinance,

not to exceed fifty dollars for each offense, upon any one who shall make such sales without first having obtained from said board a license so to do, and have paid the tax or license fee therefor.

§ 3. *Be it further enacted*, That said board of trustees shall have power to tax all auctioneers selling within the town in any sum not exceeding \$25 per annum, except citizens of Danville selling their own property, a commissioner of a court, or a person selling for him, or a town, county, State, or United States officer acting in his official capacity, and affix a penalty, not exceeding \$25 for each offense, upon the failure of any person to comply with the requirements of the ordinances of said board regulating such sales: *Provided*, That nothing contained in this section shall be construed to exempt peddlers, itinerant merchants and vendors, from the full payment of the tax and license fees required upon sales as provided in section one, whether sold by a licensed auctioneer or not.

§ 4. *Be it further enacted*, That the police judge of said town shall receive a salary of three hundred dollars per annum, payable quarterly by the board of trustees, but shall not be entitled to receive any fees from said board for issuing warrants or other services as police judge, but shall be entitled to the same fees as are now allowed by law to justices of the peace when sitting for the trial of civil causes, or as any examining court. The civil jurisdiction of said court shall not exceed the sum of one hundred dollars; and the time of holding said court for the trial of civil causes shall not be oftener than once in every three months. The judge of said court shall keep an office at or near the court-house in the town of Danville. The office of police judge shall be incompatible with any other office or employment of the town of Danville.

§ 5. *Be it further enacted*, That section thirteen, article six, of said chapter be amended to read as follows: he shall receive for his services a salary of one hundred dollars per annum, payable quarterly, and fifty per centum of all fines imposed by the police court of said town, and all forfeitures to the board of trustees: *Provided*, That he shall not receive any portion of any forfeiture or fine until the same shall have been collected and paid into the treasury of the town; but should a portion of any fine or forfeiture be collected and

paid into the treasury, then the attorney shall receive pro rata his share of such fraction of said fine or forfeiture: *And provided further*, That a commitment to the work-house or county jail in default of the payment of any fine or forfeiture, or the replevying of the same, shall not be deemed a collection thereof so as to entitle the attorney to receive any part of said fine or forfeiture.

§ 6. *Be it further enacted*, That the words "two hundred," in subsection five, section three, article three, of said charter, be so amended as to read "three hundred."

§ 7. All acts inconsistent with this act are hereby repealed.

§ 8. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 348.

AN ACT to amend an act, entitled "An act to establish the People's Bank," approved February 15, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The name of said corporation is hereby changed from that of the President, Directors, and Company of the People's Bank of Kentucky to that of the People's Bank of Kentucky; and in said name of the People's Bank of Kentucky is authorized to sue and be sued, contract and be contracted with, and to do a general banking business in the city of Louisville or elsewhere, as allowed in the charter approved February 15, 1856, and the amendments thereto.

§ 2. That the board of directors of said corporation may, by by-laws, make such regulations and rules respecting the examination of the cash and the books and condition of said bank as, in their judgment, is wise and proper; and that so much of section six of said charter as relates to this matter be, and the same is hereby, repealed.

§ 3. It shall be the duty of the present board of directors or their successors, upon the request of the owner or owners of two hundred and fifty shares of the stock of said bank, to call a meeting of the stockholders, giving ten days' notice thereof in some newspaper published in the city of Louisville; and at such meeting so called, if three fifths (3-5) of the stock represented shall so desire, it shall be lawful to reorganize said bank, and begin its business anew. The value of the

old assets of the bank shall be fixed by the votes of three fifths (3-5) of the stock present or voting, and new stock shall be issued in lieu of the old stock upon the basis thus fixed, giving new stock of the value of one hundred dollars per share for the old stock at its value fixed as aforesaid at such meeting; and in case of the failure or refusal to surrender the old certificates, new ones may be made out upon the basis heretofore named, and the bank shall be discharged from any liability upon the old certificates: *Provided*, That the interest of all parties holding the old certificates shall attach to the certificates for the new stock.

§ 4. Parties may subscribe for any amount of new stock in said bank, and the capital shall be one hundred thousand dollars to begin with, including the amount which is issued in lieu of the old stock of said bank, and the same may be increased to any sum, not exceeding one million of dollars (\$1,000,000), by a vote of the board of directors: *Provided*, And it is hereby intended, that when a bona fide subscription of (\$100,000) one hundred thousand dollars, as aforesaid, is made, said bank may, as hereinbefore mentioned, reorganize and resume business: *And provided further*, That so far as the new subscription of stock is concerned, the provision as to individual liability of section sixteen of the original charter of said bank be, and the same is hereby, repealed, and the liability of said new subscribers shall be only to the extent of their respective subscriptions.

§ 5. The new stock named in the previous section shall be paid as follows, viz: five dollars (\$5) upon each share at the time of making the subscription therefor, and ten dollars (\$10) every thirty (30) days thereafter until the same is fully paid up.

§ 6. The bank, when it shall reorganize, as hereinbefore provided for, may receive savings deposits, and may repay the same in such manner and at such times, and with such rate of interest as may be agreed upon; and may receive deposits from minors and married women, whose receipt, check, or order shall be a full discharge from all liability therefor.

§ 7. The provisions of the original charter of said bank, in respect to a contingent or surplus fund, are hereby repealed; and also the provision in relation to the taxation of said bank, and said bank shall be taxed as other similar institutions of this State are taxed.

§ 8. This charter shall be in force and continue for twenty-five (25) years from and after the reorganization of said bank : *Provided*, That such reorganization shall occur within two (2) years from the date of the passage of this act.

§ 9. That section four of the original charter, so far as it requires publication of notice of the annual meetings for sixty (60) days, be so amended that publication for ten (10) days shall be sufficient.

§ 10. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 349.

AN ACT supplementary to an act passed at the present session, entitled "An act to amend an act, entitled 'An act to incorporate the Cumberland and Ohio Railroad Company,' " approved 24th February, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act to incorporate the Cumberland and Ohio Railroad Company," approved 24th February, 1869, passed at the present session of this Legislature, is amended as follows: that upon the petition of twenty-five voters of Green county, presented to the county court at its June or July term next, the said court shall order a vote to be taken of the qualified voters of said county as to whether or not they consent to the said act being made applicable to said county; and if there is no election ordered, or if a majority of said votes cast shall be in favor of the said act, then it shall have full force as to said county; but if they shall vote against its adoption, then Green county shall stand in the same relation to said railroad company as the counties of Allen, Barren, Metcalfe, and Washington are made to stand by the act to which this is a supplement.

§ 2. That the stockholders in the southern division of said road named in said act shall annually elect ten directors for said road, out of whom they shall elect a president. Said board of directors shall hold their office for one year, and until their successors are elected and qualified. The board of directors shall be stockholders of said company; they may appoint all subordinate officers, who are not required to be stockholders.

§ 3. This act shall take effect from its passage.

Approved March 7, 1878.

CHAPTER 350.

AN ACT to amend and reduce into one the several acts and amended acts in reference to the town of Auburn.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Auburn, in the county of Logan, be, and the same is hereby, declared an incorporated town, and shall embrace within its corporate limits the following lands: beginning at a rock in E. G. Clark's field; thence north one mile to a rock in James Madin's field; thence east one mile to a rock on Shakers' land; thence south one mile to a rock in Monroe Price's garden; thence west one mile to the beginning.

Corporate limits.

§ 2. That all the financial and municipal affairs of said town shall be vested in five trustees, who shall be elected every two years by the qualified voters residing in said town. No person shall be eligible to the office of trustee except a resident and free-holder of said town. Said trustees shall hold their offices until their successors are elected and qualified. They shall have power to fill vacancies in their own body, occurring by reason of death, removal, or resignation. A majority of said trustees shall constitute a quorum for the transaction of business.

Municipal and financial affairs vested in five trustees.

§ 3. On the first Saturday in March, 1878, and every two years thereafter, there shall be an election had for the selection of five trustees, and the present board of trustees and their successors in office shall provide for the holding of said elections.

When election for trustees to be held.

§ 4. Said trustees shall be a body-corporate, with all the general powers conferred by the laws of this Commonwealth upon corporate bodies of like character; may have and use a common seal, and may alter the same at pleasure. They shall be known by the name and style of the Board of Trustees of the Town of Auburn.

Trustees vested with corporate powers.

§ 5. The said trustees, after being sworn to discharge the duties of their office, shall elect one of their number chairman to preside over their deliberations; and he shall be known

After being sworn, to elect chairman.

and recognized as chairman of the board of trustees of the town of Auburn.

Police judge to be elected, and other officers to be appointed.

§ 6. It shall be the duty of the board of trustees, at their first regular meeting, to elect a police judge, whose term of office shall be two years, and appoint a marshal, clerk, assessor, and treasurer, whose terms of office shall be one year. They may also appoint a town attorney, whose term of office shall be one year.

Jurisdiction of police judge.

§ 7. The police judge shall have exclusive jurisdiction of violations of the by-laws and ordinances of said town, and concurrent jurisdiction with justices of the peace of all criminal and penal causes within the limits of Auburn district, and shall have power to sit alone as an examining court in cases of felony.

To have civil jurisdiction.

§ 8. The police judge shall have jurisdiction of civil causes where the amount in controversy, exclusive of interest, shall not exceed two hundred dollars.

When court for trial of civil causes to be held.

§ 9. The police judge shall hold his regular court for the trial of civil causes on the fourth Friday in each month. Said court shall stand open for the trial of criminal and penal cases.

Process to be issued returnable before him.

§ 10. All processes issued by the police judge shall be made returnable before him. All warrants issued for the violation of the State laws shall be directed to the marshal or any sheriff, jailer, constable, or policeman in this State, whose duty shall be to execute and make due return of the same; but warrants for violation of the by-laws or ordinances of the town shall be directed to and executed by the marshal of the town, or any constable or sheriff of Logan county.

To be sworn and commissioned.

§ 11. The police judge, before entering upon the duties of his office, shall be sworn, and may be commissioned.

Duty of marshal.

§ 12. It shall be the duty of the marshal to see that ordinances and by-laws of said town are carried into execution; shall collect all taxes imposed by the trustees, and shall give a good and sufficient bond annually for the faithful account of all moneys that may come into his hands, and shall pay the same as directed by the board. He shall, in Logan county, have all power in criminal and civil cases which may be exercised by a constable, and shall have power to execute any process issued by the police judge of the town of Auburn.

§ 13. The treasurer and assessor shall perform such duties as may be prescribed by the board of trustees, after first being sworn and entering into bond, approved by said board.

Treasurer and assessor to perform duties to be prescribed by the board.

§ 14. It shall be the duty of the town attorney to represent said town in all cases wherein the said town may be a party or is interested. He shall be the legal adviser of the board of trustees, and shall perform such duties as may be prescribed by them in the by-laws of said town. A fee of one dollar shall be allowed said attorney, to be taxed as cost against the defendant in all cases of conviction, the board having the power to fix such additional compensation as they may see proper.

Duty of town attorney.

§ 15. The board of trustees shall have power to fix by resolution the compensation of all officers of the town, except the police judge, whose only pay shall be the fees of his office as regulated by law.

Compensation of officers.

§ 16. The board of trustees shall have power to build a lock-up and work-house; and persons convicted of violating the laws of the town, and persons convicted of misdemeanors committed in said town, and failing to pay the fine and cost therefor assessed against them, shall be made to work in the work-house, or upon the streets or any improvements in said town, until the same is discharged at the rate of one dollar and fifty cents per day. The fees of officers discharged thereby shall be paid out of the treasury of the town; and if any prisoner escapes from work or confinement, he shall have the unexpired time of his or [her] work doubled.

Board to build a lock-up & work-house.

§ 17. That the fines and forfeitures recovered for offenses committed against the town of Auburn, and committed in the town of Auburn, are granted to said town. The board of trustees are not to be liable for any costs (the same as the Commonwealth), unless the cases are sustained by laws and ordinances for the government of said town, and for securing peace and good order therein, and for the preservation of the comfort and health of the people thereof. They may by an ordinance regulate or forbid the sale of any liquors within the limits of said town. They [may] clear the streets and alleys, sidewalks and passways, of said town of all obstructions, sink cisterns and wells therein, remove, abate, and prevent nuisances, regulate the storage and sale of combustible, explosive, dangerous, or unwholesome material. They may enact by-laws for the prevention of the erection of unsafe or

Fines and forfeitures recovered granted to town.

defective chimneys, flues, fire-places, and stove-pipes, or to have them repaired or removed at the expense of the owner, and to require the owners of property fronting on streets to grade and pave the sidewalks.

How taxes shall be levied.

§ 18. The board of trustees shall have no power to levy and collect taxes except as herein provided, namely: they shall have power to levy annually an ad valorem tax upon the property in said town liable to taxation for State revenue (except farm lands) of not exceeding twenty-five cents on the one hundred dollars' in value, and a poll-tax on each male person of twenty-one years of age not exceeding one dollar and fifty cents. They shall also have power to tax shows, performances, and exhibitions of every description, not exceeding fifty dollars for each exhibition, performance, or show. They shall also have power to impose an annual tax, not exceeding twenty dollars, on each mercantile establishment within the limits of the town, except the selling of spirituous, vinous, or malt liquors, which they may tax in any sum not exceeding five hundred dollars.

May tax transient peddlers & auctioneers.

§ 19. They shall have power to impose a tax, not exceeding ten dollars, on all transient peddlers and auctioneers for each day they expose their goods for sale in the limits of said town.

Criminal processes to be issued in name and for benefit of town.

§ 20. All criminal processes of which the police judge has final jurisdiction shall be issued in the name and for the benefit of the town of Auburn.

Penalties not to exceed \$100 fine and fifty days imprisonment.

§ 21. Penalties for the violation of the town ordinances and by-laws shall not exceed one hundred dollars' fine and fifty days' imprisonment.

Marshal may sell real estate for payment of taxes

§ 22. The marshal shall have the same power to sell real estate for the payment of taxes due the town as the sheriff has to sell real estate for the payment of State and county taxes, and the sale shall be made in front of the post-office door in the town of Auburn.

Cemetery included in town limits.

§ 23. The cemetery belonging to the town of Auburn shall be included in the limits of the town, and it shall be the duty of the trustees to keep it in repair, and pay for the same by appropriations from the town treasury.

Trustees may fill all vacancies.

§ 24. The trustees shall have power to fill all vacancies which may occur in any of the offices provided for in this charter.

§ 25. The police judge shall be a citizen of the town of Auburn and twenty-one years of age; and the town attorney shall be a licensed lawyer and resident of the town. Any justice of the peace residing in the town may be eligible to the office of police judge.

Qualifications for police judge and town attorney.

§ 26. All acts and parts of acts in conflict with this act are hereby repealed.

All acts in conflict with this repealed.

§ 27. This act shall take effect and be in force from and after its passage.

Approved March 8, 1878.

CHAPTER 351.

AN ACT to amend an act, entitled "An act to organize, establish, and incorporate the Cadiz High School, in the town of Cadiz, in Trigg county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to organize, establish, and incorporate the Cadiz High School, in Cadiz, Trigg county," be, and same is hereby, amended by adding the following section, viz: That hereafter a majority of said board of trustees of the Cadiz High School shall never be members of the same religious sect or denomination.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 352.

AN ACT to incorporate Ogden College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Rodes, Henry T. Clark, William E. Hobson, Hezekiah K. Thomas, and Daniel W. Wright, and their successors in office, are hereby created a body-politic and corporate, under the name and style of Trustees of Ogden College; and by that name may sue and be sued in the courts of this Commonwealth; and shall have power to purchase, acquire, and hold to them and their successors in office for college purposes, any lands, tenements, property, and choses in action, which shall be purchased, given, granted, or devised, and power to sell and dispose of same, or any part thereof, as may be necessary.

Corporators.

Name and style.

Corporate powers.

Board of trustees
to prescribe rules
for government
of college.

§ 2. The board of trustees shall have the power to prescribe rules and regulations for the government of Ogden College; to prescribe the text-books to be used, and the course of study to be pursued; to appoint teachers for said college, and require the faculty to report the attendance and progress of the students in said college; and power to take all steps necessary for the full and successful conduct of said college.

Trustees to elect
a president.

§ 3. Said trustees shall elect from their number a president, whose duty it shall be to preside at all meetings of the board; they shall also elect from their number a secretary, whose duty it shall be to keep an accurate record of all the minutes of the board of trustees.

H. V. Loving
constituted re-
gent of college.

§ 4. H. V. Loving, executor of the will of Robt. W. Ogden, deceased, is hereby constituted regent of Ogden College, with full power to remove any or all of said trustees, or to fill any vacancy that may occur by reason of the death, resignation, or refusal to act of any trustee.

Board of trustees
may confer de-
grees.

§ 5 The president and board of trustees shall have power to confer degrees upon such students as they may think have sufficiently progressed in scientific and literary culture; also power to confer honorary degrees.

§ 6. This act to take effect from its passage.

Approved March 8, 1878.

CHAPTER 353.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Railway Transfer Company, and conferring certain powers in relation thereto, and the Louisville, Cincinnati and Lexington and Louisville and Nashville Railroad Companies," approved March 10, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Louisville Transfer Company, and conferring certain powers in relation thereto on the Louisville, Cincinnati and Lexington, and the Louisville and Nashville Railroad Companies," approved March 10th, 1871, be, and the same is hereby, amended so that hereafter it shall be lawful for the Louisville and Nashville Railroad Company to sell and transfer to the Louisville, Cincinnati and Lexington Railway Company any part or all of its shares of the capital stock in said Transfer Company now owned or hereafter acquired; and the Louisville,

Cincinnati and Lexington Railway Company may acquire other shares of capital stock in said Transfer Company, by subscription or purchase, upon such terms as may be agreed upon; and its stockholders shall be eligible as directors in said Transfer Company.

§ 2. That should the Louisville, Cincinnati and Lexington Railway Company purchase and become the owner of all or a majority of the capital stock of the Louisville Railway Transfer Company, it shall have authority to enter into a contract with the Louisville and Nashville Railroad Company binding itself to pay the interest as it matures on the present or outstanding mortgage bonds of said Transfer Company and the bonds themselves at maturity, and guaranteeing and indemnifying the Louisville and Nashville Railroad Company against the payment of the same, by such terms and stipulations as will, in the estimation of said company, secure that object.

§ 3. That so much of said act to which this is an amendment as is inconsistent herewith is hereby repealed, and this act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 354.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Newport, in Campbell county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 17 of an act, entitled "An act to revise and amend the charter of the city of Newport, in Campbell county," approved 17th day of February, 1874, in relation to the control and management of the Newport Water-works, be, and the same is hereby, amended as follows: No office shall be created or salary fixed for any employe of said works by said board of trustees, except by and with the consent of the board of councilmen of said city; nor shall the trustees of water-works employ any other engineer than the city engineer, who shall be *ex officio* engineer of said water-works.

§ 2. The employes of the Newport Water-works are hereby exempt from working on roads or serving on juries under the laws of this State. The property of said works, so long

as the same shall be unproductive, is hereby exempt from State and county taxation.

§ 3. The office of judge of the city court is hereby abolished, to take effect on the expiration of the present incumbent's term; and the judicial authority of said court is hereby reinvested in the mayor of said city; and the court shall be hereafter styled the Mayor's Court of Newport. All provisions in said act to which this is an amendment, or any former act or acts conferring on said court any other than criminal jurisdiction, be, and the same are hereby, repealed. When the said city court ceases to exist, the county judge shall designate some magistrate, to whom the records, books, and papers in civil cases of said court, shall be transferred; the papers in criminal cases to be turned over to the mayor of said city.

§ 4. The office of city marshal is hereby abolished, to take effect on the expiration of the present incumbent's term, to-wit: — day of August, 1878. The board of police commissioners of said city are hereby authorized and empowered to appoint a chief of police, whose duties shall be the same as heretofore prescribed by said charter, who shall hold his appointment for one year, or during good behavior, in the discretion of the police commissioners. Said chief of police is hereby invested with full authority to execute any process or order emanating from said mayor's court.

§ 5. This act shall take effect from and after its passage. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1878.

CHAPTER 355.

AN ACT for the benefit of Ed. Thomas, circuit court and late county court clerk of Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is given to Ed. Thomas, circuit court and late county court clerk of Grayson county, in which he may distrain and use all legal means for the collection of all unpaid fees due to him, either as circuit court or late county court clerk of Grayson county.

§ 2. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 356.

AN ACT to repeal an act, entitled "An act to provide for the appointment of deputy constables in the city of Covington," approved January 11, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the appointment of deputy constables in the city of Covington," approved January 11th, 1873, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved March 8, 1878.

CHAPTER 357.

AN ACT for the benefit of Julius R. Curle, of Hart county.

WHEREAS, Julius R. Curle attended to a case of the Commonwealth in the Hart county court against John E. Abbott and his securities, and also in the Hart circuit court, in which he rendered valuable and efficient service; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby directed to draw his warrant on the Treasury in favor of said Julius R. Curle for the sum of fifty dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from its passage.

Approved March 8, 1878.

CHAPTER 358.

AN ACT for the benefit of W. G. Revill, late deputy sheriff of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed and authorized to draw his warrant on the Treasurer of the State in favor of W. G. Revill, late deputy sheriff of Owen county, for the sum of thirty-two dollars, to

be paid out of any money not otherwise appropriated, said sum being the amount expended in obeying the order of the Governor of this Commonwealth directed to said officer to summons a posse to aid in preventing a prize fight in this State.

§ 2. This act to take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 359.

AN ACT for the benefit of C. M. Humpston.

WHEREAS, A judgment was rendered at the September term of the Henry circuit court, in the year 1862, against C. M. Humpston in favor of the Commonwealth, for the sum of thirteen hundred and ninety-seven dollars, and it appearing from the records of said court, and from other satisfactory proof, that said judgment was improperly rendered, and was afterwards referred to arbitration and an award made, that was entered as the judgment of the court, and the liability of the said C. M. Humpston found by the award at four hundred and twenty-six dollars, which amount has been paid; and it further appearing that the agreement to refer was made at the instance of the attorney for the Commonwealth, and although made an order of court, it has been adjudged by the Court of Appeals that, as the order of reference was made at a term succeeding the term at which the judgment was rendered, that neither the court or Commonwealth's attorney had any power over it, thereby leaving the judgment in full force; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the return of said case to the court below, the said Humpston shall be allowed, by appropriate pleadings and proofs, to defend the case on its merits, and to show if he can that he is not legally responsible for the amount of said judgment.

§ 2. This act to take effect on and after its passage.

Approved March 8, 1878.

CHAPTER 360.

AN ACT for the benefit of George Staten, of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of thirty-seven dollars and fifty cents in favor of George Staten, committee of Thomas Manly, pauper idiot of Bath county, for the maintenance and support of said pauper idiot for the term of six months.

§ 2. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 361.

AN ACT to regulate and define the jurisdiction of the police judge of the town of Woodburn, Warren county.

WHEREAS, Doubts have arisen as to whether or not the police judge of the town of Woodburn has jurisdiction for the trial of civil actions to the same extent that justices of the peace of Warren county now have; therefore, for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Woodburn shall have jurisdiction for the trial of civil actions when the amount involved, exclusive of interest and costs, does not exceed one hundred dollars; and the trial of said actions shall be regulated by the law now applicable to trials of a similar nature before justices of the peace in Warren county.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 362.

AN ACT to change the line between the counties of Breathitt and Perry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the counties of Breathitt and Perry be so changed and altered as to include the farm on which Andrew Stidham now resides, in the county of Breathitt.

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CHAPTER 365.

AN ACT relating to the establishment of a poor-house in Nelson county.

WHEREAS, The court of claims of Nelson county are divided in opinion respecting the purchase of a new poor-house and premises, not to exceed in cost the sum of seven thousand dollars, and desire that said question be submitted for decision to the voters of said county at the August election, 1878; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the sheriff of Nelson county to cause a poll to be opened at each voting place in said county, at the election to be held on the first Monday in August, 1878, to be presided over by the duly constituted officers of said election, who shall propound to each voter voting this question: "Are you in favor of levying an ad valorem tax, not to exceed seven thousand dollars, to be used for the purchase of a new poor-house and premises?" and the vote of each voter voting on said proposition shall be recorded for or against same. Said poll shall be returned, compared, and certified as other elections, the certificate thereof to be recorded in the order-book of the Nelson county court.

§ 2. Should a majority of the legal voters voting on said proposition be in favor thereof, it shall be the duty of the court of claims, at its next regular term, to levy an ad valorem tax on the property listed for taxation for revenue purposes, not exceeding seven thousand dollars, the tax for any one year not to exceed five cents on each one hundred dollars, said tax to be collected and accounted for as now provided by law for tax levied for county buildings; and the said court, as soon thereafter as practicable, shall select land adapted for the purpose, and cause a poor-house or houses to be erected thereon, and other necessary improvements, not exceeding in cost the amount aforesaid; and said poor-house shall be governed, regulated, and controlled as now provided for by law.

§ 3. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 366.

AN ACT to amend an act, entitled "An act to authorize a committee appointed by the Kenton county court of claims to sell the poor-house farm of said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of Kenton county court, and any two justices of the peace of said county named by the court of claims of the aforesaid county, be, and they are hereby, authorized and fully empowered to sell and convey, by proper deed of general warranty to any purchaser, any part or portion of the poor-house farm belonging to Kenton county which they may deem right and proper; and the deed made in pursuance of this act shall have the effect to vest the fee-simple title in such purchase to such portion of said farm as may be sold and conveyed as herein provided.

§ 2. This act shall take from and after its passage.

Approved March 8, 1878.

CHAPTER 367.

AN ACT to amend the charter of the town of Cave City, Barren county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Cave City," approved February 2d, 1866, be, and the same is hereby, so amended as to confer upon the trustees of said town the power to cause to be built and kept in repair a good and sufficient work-house in the town of Cave City; and the trustees may make contracts for the building and repairing of said work-house; and the said trustees may pass such by-laws and ordinances for the confinement of persons in the work-house for the violation of the by-laws and ordinances adopted by the trustees of said town, and make rules and regulations for the government of the work-house not inconsistent with the laws and Constitution of this Commonwealth.

§ 2. *Be it further enacted,* That the trustees of the town of Cave City shall have power to fill vacancies in the office of town marshal for said town until the next regular election, and until his successor then chosen shall qualify.

§ 3. This act to take effect and be in force from its passage.

Approved March 8, 1878.

LAWS OF KENTUCKY.

CHAPTER 368.

AN ACT to amend an act, entitled "An act to incorporate the German Protestant Orphan Asylum Company," approved January 9th, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the German Protestant Orphan Asylum Company be, and it hereby is, empowered, in its corporate name, to contract and be contracted with ; to sue and be sued ; to make, have, and use a common seal, and the same to alter at pleasure ; to purchase, hold, and sell real estate such as its purposes or interests may require ; to loan its surplus funds at lawful interest, and to take security therefor personal liability or mortgage or mortgages on real estate situated in this State.

§ 2. This act shall take effect and be in force from its passage.

Approved March 8, 1878.

CHAPTER 369.

AN ACT to amend the city charter of Owensboro, authorizing its mayor and council to fund the railroad and school bonded debt of said city.

WHEREAS, The city of Owensboro has heretofore, under authority granted it by the Legislature of Kentucky, issued its bonds for railroad purposes in the amount of \$22,500, bearing ten per cent. interest, payable semi-annually, and principal due and payable January 1st, 1879; and for the same purpose the further sum of \$27,000, bearing ten per cent. interest, payable semi-annually, and principal due and payable January 1st, 1884; and likewise, for school purposes, has issued its bonds in the sum of \$1,500, bearing ten per cent. interest, payable semi-annually, and principal due and payable July 1st, 1878; and for the same purpose bonds in the sum of \$9,000, bearing ten per cent. interest, payable semi annually, and principal due and payable July 1st, 1886; and for the same purpose bonds in the sum of \$13,000, bearing ten per cent. interest, payable semi annually, and principal due and payable July 1st, 1881; and for the same purpose bonds in the sum of \$8,000, bearing ten per cent. interest payable semi-annually, and principal due and payable July 1st, 1891; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several acts incorporating the city of Owensboro, and acts amendatory thereof, be, and the same are hereby, so amended that the said city may issue and sell, on the order of its mayor and council, the bonds of said city in an amount sufficient to refund or pay off the amount of bonds heretofore issued by said city for railroad and school purposes, the proceeds of which bonds shall be applied only to the payment of said city railroad and school bonds as above set forth: *Provided, however,* That said mayor and council may sell or exchange any of the bonds hereby authorized to be issued to pay off or refund any of the bonds heretofore issued before or at their maturity, the holders of said bonds agreeing and consenting thereto: *And provided further,* That the bonded indebtedness of said city shall in no event be increased by reason of any power given in this act.

§ 2. That the bonds authorized to be issued by the mayor and council under this act shall in no event bear interest at a greater rate than eight per cent. per annum, and payable semi-annually, and the principal of said bonds to be made due and payable at such times and places as the said mayor and council may determine.

§ 3. That the said mayor and council, in case of the issue and sale of said bonds, or of any part of them, shall levy and caused to be collected annually such taxes as shall be adequate to the payment of the interest and principal of such bonds as the interest and principal may become due; and such taxes shall be assessed, levied, and collected upon the taxable property within the city of Owensboro that is now subject to taxation by the city charter, and such taxes shall be assessed, levied, and collected in the same manner as is now authorized by the charter and amendments thereto of said city.

§ 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 5. This act shall take effect from and after its passage.

Approved March 8, 1878.

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CHAPTER 370.

AN ACT for the benefit of Elizabeth Murphy, a pauper idiot.

WHEREAS, It appears that no inquest was held in the case of Elizabeth Murphy, a pauper idiot of Jessamine county, in May, 1876, as required by law; and it further appearing that an inquest was held in February, 1877, thereby making an interregnum of nine months, which the Auditor was not authorized to pay; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is authorized and directed to draw his warrant on the Treasury in favor of Wilson Masters, committee for Elizabeth Murphy, for the sum of fifty-six dollars and twenty-five cents, it being for the said interregnum of nine months.

§ 2. This act to take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 371.

AN ACT to repeal an act, entitled "An act for the benefit of the town of Booneville, Owsley county, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 11, 1876, entitled "An act for the benefit of the town of Booneville, Owsley county, Kentucky," be, and the same is hereby, repealed: *Provided*, That the provisions of this act shall not apply to persons who are selling spirituous, vinous, or malt liquors under coffee-house license till after the time, by law, shall have expired for which said license was granted.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 372.

AN ACT for the benefit of school district No. 44, in Fleming county.

WHEREAS, The school-house in district No. 44, Fleming county, was destroyed by fire recently, and it is desired to take immediate steps to build a new one, and the General

Statutes only permits the submission of the question of local taxation on the first Saturday in July; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after fifteen days' notice, as prescribed in article 11, chapter 18, of General Statutes, it shall be lawful to hold an election to determine whether a district tax shall be levied to build a new school-house in said district; and if so voted, the levying of such tax shall be legal.

§ 2. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 373.

AN ACT empowering the board of trustees of Monticello to refund certain money to William D. Haynes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Monticello, Wayne county, Kentucky, be, and they are hereby, given the right and vested with full power and authority to refund and pay back to William D. Haynes, the full amount of a fine and judgment collected off of said Haynes, and paid into the treasury of said town in the year 1876 or 1877, one or both.

§ 2. That a resolution receiving a majority of the votes of said board, and entered on the books thereof, shall of itself be full authority for the treasurer of said board or town to pay said money to said Haynes, and a complete voucher to said treasurer when receipted by said Haynes.

§ 3. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 374.

AN ACT to authorize the McLean county court to issue bonds to pay off the indebtedness of the county.

WHEREAS, It appears that the county of McLean has a bonded indebtedness of twenty thousand dollars, in bonds due and payable in twenty years from their date, and known as court-house bonds, which are redeemable at the pleasure of the county court of said county; and whereas, it appears

that said county is further indebted in the sum of ten thousand dollars (\$10,000) for building a jail, which sum is now due, and all of said indebtedness is bearing interest at the rate of ten per cent. per annum; now, to enable the said county to fund the indebtedness thereof at a lower rate of interest, and to pay the debts now due, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the McLean county court, composed of the county judge and a majority of the justices of said county, be, and they are hereby, authorized and empowered to issue the bonds of said county, with interest coupons attached, not exceeding thirty thousand dollars in amount, and of denominations of not less than one hundred dollars nor more than five hundred dollars, payable fifteen years from their date, to bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually at the office of the clerk of the county court of said county on the first Mondays of January and July of each year, on the presentation of the coupons.

§ 2. That the said county court of said county shall prescribe the form of said bonds. The said bonds and coupons attached shall be signed by the county judge, attested by the county clerk, and stamped with the seal of the court.

§ 3. It shall be the duty of said court to make the necessary arrangements for the semi-annual payment of the interest on said bonds, and for their final redemption. It is hereby provided that said bonds shall be redeemable at the pleasure of said court after five years from their date.

§ 4. To enable the court to comply with and carry out the provisions of this act, it is hereby authorized to levy an annual tax of not exceeding one dollar and fifty cents on each poll, and fifteen cents on each one hundred dollars' worth of taxable property liable to State revenue within said county.

§ 5. That the tax levied under this act shall be collected in the same manner and under the same liability, on the part of the sheriff on his official bond, that the other county levy and taxes are collected.

§ 6. Said taxes, when so levied and collected, shall be held sacred, as hereinafter provided, for the payment of the interest and principal of said bonds, and for no other purpose.

§ 7. The proceeds arising from the sale of said bonds shall first be applied to the payment of the indebtedness of the county for building the jail, amounting to ten thousand dollars; and the balance of the proceeds thereof, as fast as realized, shall be applied to the retiring of the outstanding bonds, known as court house bonds, amounting to twenty thousand dollars.

§ 8. The commissioners hereinafter authorized to be appointed by said county court as commissioners of the sinking fund shall, under the directions of the court, be empowered to dispose of said bonds: *Provided, however,* They shall not be sold for less than their par or face value.

§ 9. The said county court are hereby authorized to create a sinking fund and to appoint not less than three discreet and reliable persons commissioners of said sinking fund, for the final liquidation of the bonds herein provided for; said commissioners shall be authorized to receive from the sheriff of said county all the funds derived from the tax levied for bonded liabilities; and the sheriff is hereby required, as part of his official duty, to pay all such tax collected by him to the said commissioners, on or before the first Monday of November of each year; and if not paid on that day, said commissioners may proceed, by motion in the county court on his bond, to collect any money payable by him belonging to said fund.

§ 10. It shall be the duty of said court to require said commissioners to execute bonds, with good security, worth not less than double the amount that may come into their hands, and require them to take an oath to faithfully and honestly discharge and perform all the duties and obligations resting upon them, and to obey all orders of the court directed to them respecting the disposition of the sinking fund; and the said court shall require the said commissioners to renew their said bonds once each year, and oftener if the court should deem it necessary for the safety of said fund; and it shall be the duty of said court to exercise supervision over the acts of said commissioners, and to require them, or any of them, at any time that the securities may appear to be insufficient, to execute a new bond, with good and sufficient security; the said court shall have the power to fill vacancies that may occur in said board, and also to remove, upon notice, any one or more of said commissioners at any time for cause shown.

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§ 11. It shall be the duty of said commissioners to loan out, upon good and unquestionable security, the funds, at a rate of interest not exceeding eight per cent. per annum, that may come to their hands by virtue of their office belonging to the county, after paying the coupons due for each year, as directed by the court. It shall be the duty of the court to require said commissioners to make an annual report of all the funds received and paid out by them, and a full exhibit of all their acts to the court of claims on the first Monday of October each year, and as much oftener as the court may deem necessary.

§ 12. That said county court shall have power to make all orders necessary for carrying into execution the provisions of this act; and the county judge may, at any time, convene the justices of said county for said purpose.

§ 13. It shall be the duty of said county to provide for the payment of all the expenses necessary to secure the printing, issuing, and sale of said bonds, and all other expenses that may be properly incurred in the management and control of the said bonds and funds derived from the sale of said bonds out of the county levy of the said county.

§ 14. This act shall take effect from its passage.

Approved March 8, 1878.

 CHAPTER 375.

AN ACT authorizing the board of trustees of the town of Catlettsburg to grant rights of way over the streets and alleys of said town to railroad companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Catlettsburg are hereby authorized and empowered to grant rights of way to any railroad company it may deem proper, through and over the streets and alleys of the town of Catlettsburg.

§ 2. Before exercising the authority herein granted, the said board of trustees shall first submit the question of such grant to the voters of the town of Catlettsburg, in such mode and manner as they may ordain; and if, upon such vote, there appears to have been a majority of those voting in favor of said grant, then it may be made.

§ 3. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 376.

AN ACT to amend an act, entitled "An act to charter the Savings Bank of Louisville."

WHEREAS, Since the passage of the act chartering the Savings Bank of Louisville, and since said bank was organized and established, it has erected a commodious and strong safety-vault, containing a number of small compartments or boxes, designed and adapted for renting to persons who desire to have a safe place of deposit for valuables; and whereas, there is a doubt whether, under the charter of said bank, it can properly keep such a vault for the purposes indicated; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of incorporation of said bank be amended so as to authorize and empower said bank to rent out the boxes in its safety-vault to such persons, and for such sums of money, and for such time as may be agreed upon between said bank and such persons as may severally or jointly rent one or more of said boxes.

§ 2. *And be it further enacted,* That the act of incorporation of said bank is further amended so as to authorize and empower said bank to deal in bills of exchange and promissory notes and other evidences of debt, as natural persons may do, taking therefor personal surety or other security, real or personal, and may dispose of such securities as may be agreed upon.

§ 3. This act shall take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 377.

AN ACT to incorporate the Fair Association near Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. Farly, I. H. Ashcroft, John Nichaus, J. R. Puryear, Wm. Fisher, M. Weil, John Orm, John A. Miller, J. Weil, J. W. McKnight, R. Sanders, L. A. Fowler, J. C. Farleigh, T. L. Lee, H. W. Rankin, George C. Crumbaugh, J. H. Fowler, J. K. Bondurant, and James R. Smith, be, and they are hereby, created a body-politic and corporate, under the name of the Paducah Fair Association; and in that name

Corporators.

Name and corporate powers.

may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; to make and use a common seal, the same to alter and renew at pleasure, and to have perpetual succession.

When officers to
be elected.

§ 2. The said corporation, when one thousand dollars to the capital stock of the said corporation may be subscribed, in shares of fifty dollars each, and paid in either in money or property, give notice for ten days, by publication in some daily paper published in Paducah, organize by the election of a president, vice president, and five directors, who shall have control of the affairs of said corporation; and elections shall be held once a year for the election of a president, vice president, and board of five directors; but in case no such annual election is held, then a quorum of the directors in office shall have the right to fill all vacancies in their board, and shall hold their offices until their successors are elected and qualified.

May acquire real
and personal es-
tate.

§ 3. The said corporation shall have the right to acquire by purchase, lease, gift, or exchange, real estate, not exceeding one hundred acres, and such personal estate as may be convenient or necessary for the business of the said corporation, and may sell and convey the same at pleasure; they may erect such improvements on their real estate as they may deem proper; may erect an amphitheater, booths, arbors; and may hold an annual fair, or oftener, if they may think proper; and on all fair days the said company shall have the exclusive right to police their fair grounds, to rent all the booths, arbors, and grounds to such person or persons, and on such terms as may be agreed upon, and for such purposes as may be agreed on between the company and the contractors; and the said company shall be held responsible for good order on said fair grounds upon any and all days that fairs may be held on the same.

May make by-
laws.

§ 4. The company shall have the right to make such by-laws, rules and regulations, for its government as it may think proper, not inconsistent with the laws of the United States or this State; and the company may, if it sees proper, issue its bonds, not exceeding twenty thousand dollars, in such sums, and bearing such rate of interest, as the company may see proper, not exceeding eight per cent. per annum,

and sell the same, or may exchange the same for real estate or the erection of buildings thereon.

§ 5. The business of this company being to encourage mechanical arts, the breeding, raising, and the improvement of stock, the said fair association is exempt from the payment of any tax except the State revenue. Business of company.

§ 6. This act shall take effect from its passage.

Approved March 8, 1878.

CHAPTER 378.

AN ACT to change and define the boundary line between the counties of Lawrence and Martin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the counties of Martin and Lawrence be changed and defined as follows, to-wit: beginning at the county line between said counties at the mouth of the Lick branch on Tug river; thence down the same with its meanderings to the mouth of the Half-way branch; thence up said branch with its meanderings to the top of the knob at the head of said branch; thence a straight line to a large rock on the bank of Rockcastle creek, just below the mouth of Buffalo Horn; thence a straight line crossing Rockcastle creek to the top of the knob above the Mill branch; thence with the top of the ridge between the Mill branch and Rockcastle creek to the Bishop gap; thence with the top of the dividing ridge between Big Laurel and Little Laurel to the top of the ridge between Rockcastle creek and Natt's creek; thence with the top of the ridge between Natt's creek and Rockcastle creek to the Martin county line.

§ 2. This act to take effect from and after its passage.

Approved March 8, 1878.

CHAPTER 379.

AN ACT to incorporate the Endowment Association of Alexander College, of Burksville, Cumberland county, Kentucky.

WHEREAS, It has been made known that James P. McMillan, James A. Gilmer, J. W. Williams, and M. O. Allen, of the town of Burksville, Kentucky, and R. M. Alexander and T.

T. Alexander, of the city of Louisville, and State aforesaid, have associated themselves together as a body-politic, to be styled and known as the Trustees of the Endowment Fund of Alexander College; and for that purpose have subscribed to certain articles of incorporation found in the records of the county court of Cumberland county; and whereas, said trustees, by unanimous consent, desire to give enlargement and perpetuity to their organization; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That the association hereby formed and hereby perpetuated, shall consist of the gentlemen above named, together with Rev. W. R. Henderson, of Danville, Dr. J. C. Maxwell, of Lebanon, and Rev. A. T. Spilman, of Harrodsburg, Kentucky; and these nine gentlemen, with their successors, of whom only four shall reside in any one county, shall constitute a body-politic, to be known and called The Trustees of the Endowment Fund for Alexander College; and by that name shall contract and be contracted with, sue and be sued, in all the courts in or out of the State.

Corporate powers.

Officers.

§ 2. The officers of this association shall be a president, secretary, and treasurer, each under such duties and responsibilities as are peculiar to his office, which he shall hold during good behavior, or until his successor is elected and qualified.

Meetings to be called by president.

§ 3. The president may, of his own motion, call a meeting of the board at any time, by giving ten days notice, in writing, to all the members; or he may be required to call one within ten days after it has been requested by a majority of its members.

Vacancies—how filled, and three members to constitute a quorum.

§ 4. The trustees may also meet on their own adjournment, at such time and place as they may prefer. They shall elect their own officers and fill their own vacancies. Three members regularly convened shall be a quorum. In the absence of the president, the secretary or the oldest member present shall call the meeting to order, and preside till a president shall be elected for the occasion.

When trustees to be elected.

§ 5. Three trustees shall be elected annually, of whom two must be members in connection with the Presbyterian Church in the United States of America, and shall continue in office three years, or until their places be filled. The board shall

duly arrange for the rotation of its members as above provided.

§ 6. The board may concert measures for securing subscriptions to an endowment fund to the amount of one hundred thousand dollars, to be invested and appropriated under the direction of the board; and the interest or profits or income thereof, shall be used or appropriated for the exclusive purpose of furnishing gratuitous tuition for such pupils of Alexander College as may be chosen under the direction of the board, and with the consent of the president of the college: *Provided*, Any person who may secure to said fund the sum of four hundred dollars shall have the right, by and with the consent of the president, to send one pupil free of charge to said college. Endowment fund

§ 7. The board of trustees may establish by-laws, and make all rules and regulations deemed expedient for the management of its affairs, not inconsistent with this charter or the laws of the country. Any radical change in the location or character of the college may, at the discretion of this board, work its forfeiture to the use and behoof of this fund, in which case the board reserves to itself the right to select any other institution as its beneficiary. May make by-laws.

§ 8. This act shall be in force from and after its passage.

Approved March 8, 1878.

CHAPTER 380.

AN ACT for the benefit of Peter Fontaine, of Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Peter Fontaine, sheriff of Meade county, be allowed further time until 1st of March, 1878, to execute bond for the collection of the State revenue.

§ 2. That all of the official acts of said Fontaine, as sheriff of Meade county, between the first Monday in January and the time said bond may be executed, be legalized and made as binding as if the bond had been executed in the time prescribed by law.

§ 3. This act to take effect from its passage.

Approved March 8, 1878.

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CHAPTER 381.

AN ACT for the benefit of W. P. Smith and Henry Moss, of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of W. P. Smith and Henry Moss for the sum of two hundred and seventy-five dollars and fifty cents each.

§ 2. This act shall take effect immediately after its passage.

Approved March 8, 1878.

CHAPTER 382.

AN ACT chartering the Neotrophian Society of Bethel College, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That John J. Shepherd, William Oscar Haynes, and Stephen McBarger, and their associates who are now members, and who may hereafter become members of the organization, be, and they are hereby, created a body-politic and corporate, by the name and style of the Neotrophian Literary Society of Bethel College, located in Russellville, Logan county, Kentucky; and by that name and style may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places in this Commonwealth; and shall also have power to acquire, take, and hold, by gift, grant, devise, or purchase, any real or personal estate, not exceeding the value of fifty thousand dollars, and to convey, exchange, or dispose of the same at pleasure for the use of said society.

Name and style
and corporate
powers.

Officers—when
and how elected. § 2. That it shall be lawful for the members of the Neotrophian Literary Society of Bethel College, as often as shall be required by their constitution, to elect a president, vice president, secretary, prosecuting attorney, critic, treasurer, librarian, and chaplain, who, upon their election, shall enter upon the duties prescribed by the constitution of the society; and the president, vice president, secretary, prosecuting attorney, critic, librarian, and chaplain so chosen, and their successors, shall be the corporators, and shall take and hold,

for the use of the society, all the goods, chattels, estate, and funds of said society, and in the corporate name may sue and be sued; and in all suits against the corporation service of process upon the president then in office shall be good against the corporation.

§ 3. That the members of said society shall also have power and authority to ordain and establish such rules, by-laws, and regulations for their government as they may deem proper and necessary, and not inconsistent with the constitution and laws of this Commonwealth and the charter, laws, and regulations of Bethel Colloge; they may also appoint such subordinate officers as they may deem proper and necessary for the transaction of the business of said society, and may remove such subordinate officers at pleasure; but the president, vice president, secretary, prosecuting attorney, critic, librarian, and chaplain shall hold their offices until their successors are chosen as provided in this act.

May make by laws.

§ 4. That all property now belonging to said society shall be, and the same is hereby, vested in the said society as fully and completely as if the same had been acquired after the passage of this act.

Property vested in society.

§ 5. That it shall not be lawful for said society, at any time, to make a distribution of its property or any portion thereof among the members of said society; and in case the said society shall, at any time, become extinct, then all its property shall, *ipso facto*, become vested in the trustees of Bethel Colloge, to be appropriated as they may think proper.

In the event of society becoming extinct, property to become vested in the trustees of Bethel Colloge.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 384.

AN ACT to amend the charter of the Bricklayers' Union, No. 4, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Bricklayers' Union, No. 4, of Louisville, Kentucky," be so amended that the said corporation shall be known by the name of the

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Bricklayers' Benevolent Union, No. 4, of Louisville, Kentucky; and as such shall have all the powers and privileges, and be subject to the same restrictions, conferred and imposed by the act to which this is an amendment.

§ 2. This act to take effect from its passage.

Approved March 11, 1878.

CHAPTER 385.

AN ACT to regulate the jurisdiction of the mayor of the city of Maysville, and of the town of Chester, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all civil causes the jurisdiction of the mayor of the city of Maysville, and of the mayor of the town of Chester, in Mason county, shall be the same as that of justices of the peace of said county.

§ 2. That the law regulating appeals from justices of the peace in Mason county, and in relation to tax and attorney's fees, shall apply to all civil and penal causes prosecuted in the courts of the mayor of the city of Maysville, and of the mayor of the town of Chester.

§ 3. This act to be in force and have effect from its passage.

Approved March 11, 1878.

CHAPTER 386.

AN ACT for the benefit of J. C. Hays, sheriff of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Hays, sheriff of Hardin county, having by oversight failed to execute the bonds required to be executed by sheriffs of this Commonwealth on or before the first Monday in January of each year by chapter 92, article 8, section 3, and by chapter 100, section 25, of the General Statutes, he is authorized to execute said bonds on or before the first Monday in April, 1878, in the same manner as required by the General Statutes, and with the same effect as if they had been executed before the first Monday in January of the same year.

§ 2. This act to take effect from its passage.

Approved March 11, 1878.

CHAPTER 387.

AN ACT to amend an act granting to the town of Ghent, in Carroll county, the right to establish and maintain a ferry on the Ohio river at said town, approved March 17th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act granting to the trustees of the town of Ghent, in Carroll county, the right to establish and maintain a ferry on the Ohio river at said town," approved March 17th, 1876, be, and the same is hereby, amended as follows: that the trustees of said town be, and they are hereby, authorized and empowered, for and on behalf of said town, when they deem it expedient and for the interest of the town and the traveling public, to condemn the land of any person or persons situated on the river front of said town, not exceeding one hundred feet wide, and to appropriate the same for the purpose of establishing and maintaining a ferry and ferry landing, and a road therefrom, for the use and benefit of said town and the public.

§ 2. That before any land shall be condemned as aforesaid, the trustees of said town shall select the same, and give the owner or owners of the land proposed to be so appropriated ten days' notice, in writing, of an application to be made by them before the Carroll county court for a writ of *ad quod damnum*, which shall be awarded by said county court after said notice, on motion of said trustees. If the owner or owners of the land proposed to be appropriated are not residents of said county, then said court shall award said writ on the motion of said trustees after they have posted a notice as aforesaid on the land proposed to be taken for thirty days.

§ 3. A writ of *ad quod damnum* issued under authority of this act shall designate the land or property to be condemned, and may include that of several persons, and shall be directed to the sheriff of said county. Said writ shall direct him to hold an inquest, by a jury of twelve impartial and discreet freeholders of this county, at or near the land, to ascertain the damages each owner or owners will severally sustain if it be condemned for said purposes. The owner must have five days' written notice of the time and place of holding the inquest, if he reside in the county, if he reside in another county, twenty days' notice in writing; and if he does not reside in the State, and has no tenant in the State, or the notice can-

not be served, on him in the county, thirty days' notice, by posting a written notice on the land, and advertisement twice published in a newspaper printed in the county. The jurors shall be sworn truly and impartially to ascertain and determine by their inquest the amount of compensation each owner will be entitled to if his land, so named in the writ, is condemned. The inquest shall be signed by each juror, handed to the sheriff, and returned by him, with the writ, within three days, to the clerk of the court. If the jury cannot agree, the sheriff may discharge it, and summon another jury or other juries; and if, from that or any other cause, the inquest cannot be completed on the day appointed by him, he may adjourn it from time to time until it is completed, without further notice than his proclamation made at the time. The jury shall allow the fair cash value of the land proposed to be taken, and also a fair compensation for any incidental or collateral damage which the taking of it will cause to the owner or owners of said land; but from such incidental or collateral damages shall be deducted the amount in value of the benefit which such other land will derive from the establishment of the ferry.

§ 4. Either party may, within ten days after the finding of the inquest, file a traverse thereof with the clerk of the Carroll circuit court, whereupon the case shall be docketed for the next term, and shall be tried at that term, if it is in ten days after the inquest, otherwise at the next term. It shall be tried by a jury of freeholders, empaneled for that purpose. The party failing on the traverse shall pay the costs thereof; and if the party traversing fails, when the verdict traversed is not increased or diminished as his interest may require, the costs of the inquest up to the traverse shall, in all cases, be paid by the trustees.

§ 5. Either party may have the decision revised in the Court of Appeals by appeal.

§ 6. Upon proof of payment of the damages found by the inquest or under the traverse, or payment thereof into court for the use of the owner, the court shall confirm the inquest or verdict on the traverse, which confirmation shall vest the right to the land for the purposes aforesaid in the town of Ghent; and a writ of possession may issue therefor at any time; and the court shall make all orders in the case thereafter as the General Statutes directs in ferry cases.

§ 7. If the damages assessed are not paid as aforesaid before the end of six months next ensuing the verdict under the inquest when not traversed, or that under the traverse, the applicant shall be considered as having abandoned all right to the condemnation.

§ 8. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 389.

AN ACT to incorporate Hiram Bassett Lodge, No. 395, Free and Accepted Masons, of Lewisburg, Mason county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. T. Davis, Worshipful Master; R. M. Harrison, Senior Warden; D. C. Ross, Junior Warden; H. T. Cord, Treasurer; G. F. Bateman, Secretary, of Hiram Bassett Lodge, No. 395, of Lewisburg, Kentucky, and their successors in office, be, and they are hereby, created a body-corporate and politic, to be known and designated as Hiram Bassett Lodge, No. 395, Free and Accepted Masons, of Lewisburg, Kentucky; with power to sue and be sued, in all courts of competent jurisdiction in this Commonwealth and elsewhere; plead and be impleaded, contract and be contracted with; and with power to acquire and hold real estate and personal property and choses in action not exceeding thirty thousand dollars in value.

Corporators.

Name and corporate powers.

§ 2. That said lodge shall have the power to borrow money on the credit of the corporation, not exceeding the sum of two thousand dollars, at a rate of interest not exceeding seven per cent. per annum, and may execute bond or note; and to secure the payment of same, may pledge or mortgage all or any of the property, rights, income, profits, or franchises of the lodge.

May borrow money not exceeding \$2,000.

§ 3. Said corporate body shall have and use a common seal, which they may alter or renew at pleasure.

Shall have a common seal.

§ 4. This act shall be in force from and after its passage.

Approved March 11, 1878.

LAWS OF KENTUCKY.

CHAPTER 390.

AN ACT for the benefit of the Hills City Turnpike Road Company, in Mason county, empowering them to collect certain road taxes, &c., of persons residing on the line of said road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all the male persons over the age of sixteen, and under the age of sixty, capable of working, and living on the farms of the following persons, viz: Poyntz & Dawson, Jos. Frank, J. D. Johnson, H. Ebersole, T. M. Runyon (trustee), R. S. Mefford, John Lewis, P. W. Bradford, E. H. Reed, C. B. Anderson, Barbour & Cochran, C. L. Anderson, J. E. Mannen, H. J. Wood, Wm. Rhodes, Wm. H. Tarleton, Geo. T. Wood, Benj. W. Coburn, Charles A. Marshall, Mrs. Jane T. Lee, Geo. Wood, Ross P. Gault, Alfred Clift, citizens of Mason county, residing near the Hills City Turnpike Road, and using that road almost exclusively in traveling to and from the county seat and the markets where they trade, shall hereafter be exempt from all the duties of working or contributing to work on any of the dirt roads of said county imposed by article 1st, of chapter 94, of the General Statutes of Kentucky, and from all fines and contributions of all sorts to any of said dirt roads imposed by said article; but shall hereafter perform such duties, and do such work, and pay such fines, and make such contributions on and to said Hills City Turnpike Road; and the president of said road is invested with all the powers and duties now held and enjoyed by a precinct road surveyor or overseer to carry out and enforce the provisions of this act in all respects.

§ 2. The provisions of this act shall apply equally to all persons residing or living on the farms bordering on the line of said road from the point to which it is now completed to its terminus on the Mayslick and Helena Turnpike Road; but shall not be enforced against said persons only as the road is made and completed and reaches the farms on which said persons reside.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 391.

AN ACT for the benefit of John C. Leadford, sheriff of Jackson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until the first of May is given to John C. Leadford, sheriff of Jackson county, in which to collect and pay into the Treasury the taxes of Jackson county for the year 1877: *Provided*, That his securities upon his revenue bond shall appear before the judge of the Jackson county court and of record enter their consent to such extension of time.

§ 2. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 392.

AN ACT for the benefit of R. H. Morrow, of Gallatin county.

WHEREAS, R. H. Morrow, during the year 1876, being sheriff of Gallatin county, incurred expenses and performed services in raising a posse, and lodging, dieting, and transporting the same, in the pursuit and capture of certain lawless persons, who came into Kentucky for the purpose of witnessing a prize fight, and compensation for such services and expenses not being provided for by law; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of R. H. Morrow for the sum of eighty-one dollars and fifty cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 393.

AN ACT to amend an act, entitled "An act to incorporate the town of Burlington, in Boone county," approved March 11, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy of fifty cents as a tax, annually, on each one hundred dollars' worth of real estate in said town, as authorized by the act referred to in the title hereto, may be made by the trustees of said town, all at once or at different times through the years, as to the trustees appear best. If made at different times, the sum of the several levies shall not exceed fifty cents on each one hundred dollars' worth of real estate in the town in any one year.

§ 2. That should there at any time be but one trustee in office in said town, he may resign by writing his resignation on the record; and shall thereupon place the record of the town in the custody of the county clerk, and the county judge shall immediately proceed to fill the office of trustees for said town by appointment till the next regular election, and till the trustees then elected shall qualify: *Provided*, That in case there is but one trustee he shall, if he wishes not to resign, fill the board of trustees by appoint till the next election, and till the trustees then elected qualify.

§ 3. The trustees shall provide by ordinance for holding all elections provided for in the said act hereby amended as directed in said act: *Provided, however*, That if, at any time, the trustees fail to make such provision, or the office of the trustees be vacant, then it shall be the duty of the Boone county court to appoint two judges, a clerk and sheriff, to hold such election, who shall give certificates of election to the persons elected, as in case of election of county or district officers: *Provided further*, That the county court may make such appointment of election officers at any time within a month before the election is held, shall order the usual notice to be given to such officers as are appointed to hold such election, and shall also fix up the place for holding said election in the town.

§ 4. The town record, when placed in the hands of the county clerk under this act, shall be by him safely kept, and returned by him to the board of town trustees so soon as elected.

§ 5. That hereafter it shall be the duty of the trustees of said town to see that the sidewalks in the said town are kept in good repair, so far as to them seems necessary; and they shall also see that other sidewalks of suitable material are constructed and kept up, of proper breadth, when they believe it necessary. The said trustees may give the owner of property abutting or adjoining any sidewalk notice to repair the said walk, in such manner as the trustees deem suitable; and if, after receiving such notice, the owner of the property fails to make the repairs as required, for fifteen days, then the trustees may proceed to have the repairs made, and the costs thereof shall be a lien on the property adjoining said sidewalk, and may be enforced by suitable proceedings in any court of the county having jurisdiction to enforce liens on real estate. The owner of the property shall be personally responsible as well, and the amount may be collected of him by suit. When the owner of the property adjoining a sidewalk is a non-resident of the county, no notice to repair need be given him by the trustees; but they may make the repairs and enforce payment of the costs, as provided in this section against residents to whom notice is given. The making of new sidewalks may be proceeded with in same manner as is provided in regard to repairing. All parts of the said act, in relation to repairing sidewalks in said town, inconsistent with this section, are repealed.

§ 8. This act shall be in force from its passage.

Approved March 11, 1878.

CHAPTER 394.

AN ACT for the benefit of J. G. Morgan, of Clay county.

WHEREAS, J. G. Morgan, of the county of Clay, conveyed Ananias Clark, a pauper lunatic of Clay county, from Manchester, Kentucky, to the asylum at Lexington, Kentucky, on the 18th day of March, 1875; and whereas, the said J. G. Morgan's expenses for conveying the said Clark to the asylum amounted to the sum of forty-one dollars; and whereas, the said J. G. Morgan was paid only the sum of sixteen dollars for conveying the said Clark to the asylum; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of twenty-five dollars in favor of J. G. Morgan, of Clay county, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 395.

AN ACT to ratify the incorporation of the Central Mississippi Railroad Company and its consolidation with the New Orleans, Jackson, and Northern Railroad Company, under the name of the Chicago, St. Louis, and New Orleans Railroad Company, and to charter said last named company.

WHEREAS, The Mississippi Central Railroad Company was, by an act approved March 18th, 1872, chartered in this State, with certain rights and powers therein declared, said act being entitled "An act to authorize the Mississippi Central Railroad Company to extend their road into and through Kentucky;" and whereas, said railroad has been extended and built to Fillmore, in this State, with the right to extend its road to any point on the Ohio river within two miles of a point on the river opposite to Cairo, Illinois, and to build branches, as provided in the third section of said act; and whereas, under the terms of a mortgage executed by said Mississippi Central Railroad Company and Southern Railroad Association to John Newell, Junius B. Alexander, and Edmund J. Forstall, on the first day of May, 1872, said railroad and all its property, real and personal, its privileges, rights, immunities, and franchises were sold by decrees of the circuit courts of the United States, and purchased by a committee for the holders of bonds outstanding under said mortgage aforesaid; and whereas, the purchasers organized themselves into a corporation in this State, on the fifth day of November, 1877, under the name of the Central Mississippi Railroad Company; and whereas, afterwards, on the seventh day of November, said Central Mississippi Railroad Company was consolidated with the New Orleans, Jackson, and

Northern Railroad Company, under the name of the Chicago, St. Louis, and New Orleans Railroad Company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the organization of the purchasers of said railroad and franchises, in the State of Kentucky, into a corporation known as the Central Mississippi Railroad Company, on the fifth day of November, 1877, and the consolidation of said Central Mississippi Railroad Company with the New Orleans, Jackson, and Northern Railroad Company into a corporation known as the Chicago, St. Louis, and New Orleans Railroad Company, under and in pursuance of the articles of consolidation entered into between the said Central Mississippi Railroad Company and the said New Orleans, Jackson, and Northern Railroad Company, on the seventh day of November, 1877, be, and they are hereby, each severally ratified and confirmed, as of their respective dates aforesaid; and the exercise within this State by the Chicago, St. Louis, and New Orleans Railroad Company (the consolidated company aforesaid) of all the franchises, rights, liberties, and privileges mentioned in the act of the General Assembly of this Commonwealth, entitled "An act to authorize the Mississippi Central Railroad Company to extend their road into and through Kentucky," approved March 8th, 1872, is hereby ratified and confirmed, and the said Chicago, St. Louis, and New Orleans Railroad Company is hereby declared a corporation of this State, and is invested with all the franchises, rights, liberties, and privileges in the said act of March the eighteenth, eighteen hundred and seventy-two, in as full a manner as if it was chartered in the very words of the said last mentioned act: *Provided*, That one of the directors of said Chicago, St. Louis, and New Orleans Railroad Company shall always be a citizen of the State of Kentucky.

§ 2. That hereafter citizens of this Commonwealth having just claims against said company for work and labor done, materials furnished, or person or property injured by the careless operation of said road, within the limits of this Commonwealth, shall have the right to garnishee any funds which may then be or thereafter come into the hands of any agent or officer of said company upon filing an affidavit in an action therefor in any court of this Commonwealth having jurisdiction, setting forth that the claim is just and due from

said company, and the amount affiant believes he ought to recover, and executing bond conditioned as required by Civil Code of Practice in cases of attachment.

§ 3. Nothing in this act shall be construed as exempting this company from the operation of the provisions of an act, entitled "An act to provide for liens for laboring men and supply men," approved March 20th, 1876. The Legislature reserves the right to alter or amend this act at pleasure, or to repeal the same.

§ 4. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 397.

AN ACT to incorporate the town of Homer, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of Homer, in the county of Logan, be, and the same is hereby, incorporated, with the lots, streets, alleys, and land in the following boundary, to-wit: one mile square, Bethlehem church being the center.

Trustees and their powers.

§ 2. That G. B. Dunn, J. A. Corbett, J. H. Sweatt, E. C. Vick, and B. F. Felts, are hereby made trustees of said town, who shall have the same power and authority that trustees of other towns possess in this Commonwealth under the general laws regulating towns; that said trustees may have the power to make by-laws, and to provide for their enforcement, for the regulation of said town, not inconsistent with the Constitution and laws of this Commonwealth or of the General Government.

Election of trustees — when to take place.

§ 3. Said trustees may remain in office until their successors are elected and qualified; and the election of trustees for said town shall hereafter take place in said town on the second Saturday in April of each year, and shall hold their office for one year, or until their successors are duly elected and qualified.

Who are qualified to vote for trustees.

§ 4. That all legally qualified voters in said town shall be qualified to vote for trustees thereof, subject to the regulations of such by-laws aforesaid as may be made from time to time.

§ 5. The trustees of said town shall have the right to levy tax upon the property within its limits, and also poll-tax upon the citizens thereof, for the benefit of said town; may make police regulations for its general welfare, with the power, by fine and imprisonment, to enforce them, not inconsistent with the laws of the country; and they shall have power also to provide for the creation of all civil officers to execute the laws of said town, and to fill all vacancies in office until the next annual election thereafter.

May levy a tax, create civil officers, and fill all vacancies.

§ 6. The sale of spirituous, vinous, or malt liquors are hereby prohibited within the corporate limits of said town, under such penalty as the by-laws thereof may provide.

Sale of spirituous liquors prohibited

§ 7. Said trustees, and all officers of said town, shall take an oath, before some officer qualified to administer the same, to perform their duties as such faithfully and impartially, before entering upon the duties of their respective offices.

Officers to take an oath.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 398.

AN ACT for the benefit of the Hope Baptist Church, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George T. Lonnon, Benjamin F. Murray, John A. Markwell, Joseph A. English, and Philip P. Scheurer, trustees of Hope Baptist Church, of Louisville, and their successors as such, be, and they are hereby, created a body-politic and corporate, by the name and style of the trustees of the Hope Baptist Church, of Louisville, Kentucky; and by that name shall have perpetual succession and a common seal, or may use their individual seals or scrolls; and may sue or be sued, plead or be impleaded, in any court of law or equity in this State.

Corporators.

Name and style.

Corporate powers.

§ 2. That when any vacancy in said board may occur by death, resignation, or otherwise, or other disqualification to act, to be judged of by the church at a regular business meeting, it shall be competent for the members of said church to fill such vacancy or vacancies at any regular business meet-

Vacancies in board—how filled

ing. Said church shall also have power to remove from office any one or more of said trustees, a majority of all the members present at a regular business meeting concurring therein, and may proceed to fill such vacancy or vacancies in the manner provided above for filling vacancies: *Provided*, That no removal or appointment of a trustee shall take place until notice of such intention has been given at a previous regular business meeting of the church.

Powers vested in trustees.

§ 3. That the above named trustees, and their successors, are hereby invested with power to receive a conveyance of a lot of ground, to be selected by the church in Louisville, upon which to erect a church edifice; also to purchase and receive title to other ground, not exceeding ten acres, with its appurtenances, for a burial ground or other church purposes; but the said lots or parcels of ground shall be held by said trustees or their successors for the entire and exclusive use and benefit of the Hope Baptist Church, of Louisville, or such portion thereof (should there ever be a schism) as adhere to the present articles of faith as now held by said church forever.

May sell and convey title.

§ 4. That said trustees, or their successors, shall have, and they are hereby vested with, power to sell and convey the title which they hold, or may hereafter hold, in trust for said church, in any lot or piece of ground, whenever and to whom the said church shall direct at a regular business meeting; or may make such other disposition of the same as said church may order, notice having been given at a previous business meeting of such intended sale or disposition, and not otherwise; and to do and perform all acts common to limited corporations, not to conflict with the laws of this State.

Approved March 11, 1878.

CHAPTER 399.

AN ACT for the benefit of Samuel Tate, late sheriff of Pulaski county.

WHEREAS, Samuel Tate, late sheriff of Pulaski county, undertook the collection of the State revenue from said county for the years 1876 and 1877, with the understanding that he should receive ten per cent. of all revenue collected by him and paid into the State Treasury; and whereas, no one

could be induced to undertake the collection of said revenue for less than ten per cent.; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts, in his settlement with Samuel Tate, late sheriff of Pulaski county, be, and he is hereby, authorized and directed to allow said Samuel Tate ten per cent. of all revenue collected and paid into the Treasury by him for the years 1876 and 1877.

§ 2. This act to take effect from and after its passage.

Approved March 11, 1878.

CHAPTER 400.

AN ACT to incorporate the Munfordville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James A. Dawson, Claiborne J. Walton, Wm. B. Brown, Francis A. Smith, Wiley J. Macey, J. M. Brents, D. T. Money Penny, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the corporate name and style of the Munfordville Turnpike Road Company; and by that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts and places within the State of Kentucky.

Corporators.

Name and style and corporate powers.

§ 2. The capital stock of said company shall not exceed five thousand dollars, and shall be divided into shares of ten dollars each, to be subscribed and paid as hereinafter provided, and which shall be deemed and held to be personal property, and may be transferred upon the books of the company in such manner as the board of directors hereinafter provided for may by law prescribe. The private property of the stockholders shall not be liable for the debts of the corporation beyond the amount of stock subscribed and unpaid by the stockholder.

Capital stock.

§ 3. Said company is hereby authorized and empowered to construct and build a turnpike road from the Elizabethtown and Bell's Tavern Turnpike, at any point within the corporate limits of the town of Munfordville, along and upon any of the streets of said town, and along and upon the Carrico

Empowered to construct & build a road.

road to the Munfordville depot on the Louisville and Nashville road, in the county of Hart; said turnpike road to be constructed upon suitable grade, and a road-bed, of not less than — feet in width, shall be and kept well paved with with broken stone or McAdam pavement.

By whom business affairs shall be conducted.

§ 4. The prudential, financial, and business affairs of said company shall be conducted by a board of three directors, one of whom shall be chosen president of the company; and said board of directors shall appoint a secretary and treasurer, and may employ or appoint such other officers and agents as they may deem necessary for the transaction of the business of the company; and may make all necessary by-laws, rules and regulations, for the management of the affairs of said company, not inconsistent with the provisions of this act and the Constitution and laws of the United States and the State of Kentucky. The said board of directors shall be elected by the stockholders as soon as five hundred dollars of the capital stock shall have been subscribed, and on the first Saturday of each month of January thereafter. At all elections for directors of said company each share of stock shall entitle the holder to one vote, and the vote shall be by ballot: *Provided*, That, after the first election, only the stock paid up shall be voted. Votes may be cast by written proxy.

When road completed may establish gate and charge tolls.

§ 5. After the said road shall have been completed, and not before, the said company may establish thereon one gate, at which tolls may be demanded and collected in advance at rates not exceeding the following: For every horse or mule and rider, three (3) cents; for every horse, mule, or jack, led or driven, two (2) cents; for each head of cattle, one cent; for each head of hogs, one half cent; for each vehicle, drawn by one horse or mule, five cents; for each vehicle, drawn by two horses, mules, or oxen, ten cents; for each wagon, drawn by three animals, fifteen cents; for each wagon, drawn by four animals, twenty cents; for each wagon, drawn by five animals, twenty-five cents; for each wagon, drawn by six animals, thirty cents. The gate-keeper may stop any person, and refuse to allow him or his property to pass, till the payment of said tolls.

No debt to be created in name of the company greater than \$1,000.

§ 6. The board of directors shall not, at any time, create a debt in the name of said company greater than one thousand dollars.

§ 7. All contracts of said company shall be in writing, signed by the president and attested by the secretary.

Contracts.

§ 8. The said company shall pay into the Treasury of the State of Kentucky annually a tax of fifty cents on each one hundred dollars' of capital stock paid in. The president and secretary of said company shall annually, on the first day of January, report under oath to the Auditor of Public Accounts, the amount of capital stock so paid up, and shall pay the tax aforesaid, which shall be in lieu of all other taxes or assessments upon said company or the stock thereof.

Tax to be paid annually into State Treasury.

§ 9. The surplus earnings of the said company, after paying the taxes aforesaid, shall be set apart as a reserve fund for making repairs, or shall be divided pro rata among the stockholders, as the board of directors may prescribe, annually or oftener.

How surplus earnings to be used.

§ 10. Bond with security may be required of all the officers and agents of said company, conditioned for the faithful performance of the duties of the office or trust, and the payment in due time to the proper person of all money or property which may go into the hands of any officer or agent of the company. Such bonds shall be executed to the company, and suits thereon for any breach thereof may be brought and prosecuted in any court in this State having jurisdiction of the amount in controversy.

Bond may be required of all officers and agents.

§ 11. The provisions of chapter one hundred and ten of the General Statutes, title "Turnpike, Gravel, and Plank Roads," except as hereinbefore provided, shall apply to the road built by the said company, and to the rights, franchises, and liabilities of the company.

Chap. 110 of General Statutes shall apply to road built by the company.

§ 12. The principal office of said company shall be at Munfordville, Hart county, Kentucky.

Principal office.

§ 13. James A. Dawson is hereby appointed commissioner to open books and receive subscriptions to the capital stock of said company; and as soon as the sum of five hundred dollars shall have been subscribed, the said commissioner shall call a meeting of the stockholders, who may proceed to organize as hereinbefore authorized.

Commissioner appointed to open books for subscriptions.

§ 14. The said company may adopt and use a common seal.

May adopt and use a common seal.

§ 15. This act shall take effect from its passage.

Approved March 11, 1878.

LAWS OF KENTUCKY.

CHAPTER 401.

AN ACT to amend an act, entitled "An act to incorporate the town of Rich Pond, in Warren county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the qualified voters of the town of Rich Pond, in Warren county, are authorized to elect a police judge for said town, on the second Saturday of April, 1878, who shall hold his office for two years, and until his successor is elected and qualified. Said police judge shall be a resident of said town, a qualified voter therein, and at least twenty-one years of age.

§ 2. Said police judge, in all civil cases, shall have the same jurisdiction as justices of the peace in Warren county, subject to the same laws, and be entitled to the same fees; and he shall have jurisdiction for the trial and punishment of all violations of the ordinances and by-laws of said town, which have heretofore or may hereafter be enacted by the trustees of said town; and in all criminal and penal cases arising within the limits of said town, he shall have the same jurisdiction that the county judges and justices of the peace have, and be entitled to the same fees.

§ 3. The election provided for in this act shall be held by officers appointed by the trustees of said town, after at least five days' notice has been given by the trustees of said town of the time and place of election, at three or more public places in said town; said officers of election first taking the oath required by law for election officers to take. The polls of said election shall be returned to the same officers, and compared in the same manner as the polls for magistrates. The board comparing the polls shall forward a duplicate of the certificate of election to the Governor, by whom said police judge shall be commissioned.

§ 4. This act shall take effect from and after its passage.

Approved March 11, 1878.

CHAPTER 402.

AN ACT to prevent the obstructing of creeks in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to place logs, brush, or other obstructions into the creeks of this Commonwealth in Henderson county, or in any way obstruct the free running of their waters: *Provided*, That this act is not to prevent the damming of creeks for mill purposes, and the erection of suitable water-gaps and gates on farms traversed by any such creeks.

§ 2. That any one violating this act, upon conviction, shall be fined not less than ten dollars, and not more than one hundred dollars for each offense, to be tried as now provided by law for the trial of breaches of the peace by indictment or before a justice of the peace.

§ 3. That the fines under this act shall be paid into the county treasury, and shall be appropriated by the county court in removing obstructions from and cleaning out said creeks.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 403.

AN ACT for the benefit of J. W. Hendricks, of Simpson county.

WHEREAS, It is represented to this General Assembly that the assessor of Simpson county assessed the property of one J. W. Hendricks at the value of five hundred and sixty dollars, which was the just valuation; and whereas, the said assessor, in having his books copied, by mistake put said Hendricks' property at five thousand five hundred and sixty dollars; said Hendricks having paid taxes on said last sum, and the same having been received into the State Treasury, thereby compelling said Hendricks to pay into the Treasury, illegally, the sum of twenty-two dollars and fifty cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasurer for the sum of twenty-two dollars and fifty cents in favor of said J. W. Hendricks.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 404.

AN ACT for the benefit of G. P. Jolly, of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That G. P. Jolly, clerk of the county court of Breckinridge county, have the further time of two years, from the first day March next, to collect his uncollected fee-bills.

§ 2. That said Jolly have the further time of two years, from the first day of March next, to collect his uncollected fee-bills and unpaid taxes as late sheriff of Breckinridge county.

§ 3. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 405.

AN ACT for the benefit of P. M. Ellison, late clerk of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That P. M. Ellison, late clerk of the Calloway circuit court, have the further time of two years to distrain for his uncollected fee-bills.

§ 2. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 406.

AN ACT for the benefit of the district and county officers in Estill and Lee counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all officers, both district and county, in Estill and Lee counties, have the further time of two years to distrain for and collect uncollected fee-bills.

§ 2. This act shall take effect from and after its passage.

Approved March 11, 1878.

CHAPTER 407.

AN ACT to incorporate the town of Corinth, in Grant county.

WHEREAS, It is represented to this General Assembly that the owners of the boundary of land hereafter described, lying partly in the counties of Grant, Scott, and Harrison, on the Cincinnati Southern Railroad, including the incorporated village of Corinth, are desirous of establishing an incorporated town by the name of Corinth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a town by the name of Corinth be, and the same is hereby, established, on the Cincinnati Southern Railroad, including the present village of Corinth, to be known under the name and style of the "Town of Corinth," and to embrace within its corporate limits the following boundary: beginning at Wm. Redd's northeast corner in Stewart's line; thence with said line to the lands of Mrs. Sarah Richardson, and with her line to George Oders' southwest corner; thence southwardly, crossing the new pike at three hundred feet west of Moses Stevenson's residence, and west of G. O. Miner's residence, to the Covington and Lexington Turnpike Road; thence to the forks of the New Cut and Stringtown roads; thence northwardly, crossing the Crooked Creek road one hundred feet east of the school-house; thence to the beginning.

Corporate limits.

§ 2. The following named persons, to-wit: N. T. Parker, I. N. Foreman, Bart. Mason, G. O. Miner, and W. A. Million, are hereby appointed trustees for said town, and who are hereby clothed with all the powers, authority, and rights which are by law vested in trustees of towns, until their successors shall be duly elected and qualified.

Trustees and their powers.

§ 3. The trustees hereby appointed, or their successors, shall proceed at some convenient time to cause a survey to be made of the grounds herein described, and establish the lines and corners thereof by actual survey; and to cause a plat thereof to be made, laying off the same into lots, streets, and alleys, as required by law in such cases.

Trustees to have survey and plat of boundary made.

§ 4. That it shall be lawful for the owners of lots in said town, and for the inhabitants thereof, who are qualified voters under the laws of this State, on the first Monday in June, 1878, and annually thereafter, to elect five trustees of said town, who shall constitute the board of trustees for said

Trustees — when to be elected.

town, and who shall hold their office for the time, and shall be clothed with all the powers, rights, and authority vested by the general laws of this State in trustees of towns, and shall perform the duties which, by such laws, are required of such trustees, and have perpetual succession.

Sale of spirituous
or malt liquors
prohibited.

Proviso.

§ 5. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors, or any mixture thereof, within the limits of said town, in quantities less than one barrel: *Provided*, That the trustees of said town may, in the exercise of a sound discretion, license one or more hotel-keepers within the corporate limits of said town to sell by retail spirituous, vinous, or malt liquors, subject to all the laws of the State now in force in relation to hotels licensed with the privilege of retailing spirituous, vinous, or malt liquors: *Provided further*, That before any license shall be granted to a hotel-keeper thus to sell, he shall first pay to the treasurer of the board the sum of two hundred dollars as a tax for such privilege, for the use of said town.

Authority to sup-
press tippling-
houses and gam-
bling.

§ 6. That said board of trustees shall have the authority to take all necessary steps to suppress all tippling-houses and all faro-banks, and all gaming set up, carried on, or conducted in said town.

Unlawful to sell
liquors in any
quantity less
than a barrel.

§ 7. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors, or the mixtures thereof, within one mile of said town, in quantities less than one barrel, except he be a bona fide tavern-keeper, duly licensed according to law.

Inhabitants of
town not required
to work on roads.

§ 8. That the inhabitants of said town shall not be required to work upon roads or highways beyond one half mile from the limits of the town as aforesaid; but may be required to work upon any of the streets or alleys in said town, under such regulations as the trustees of the town may from time to time prescribe.

Police judge and
town marshal to
be elected.

§ 9. A police judge and town marshal shall be elected by voters of said town possessing the qualifications as is required by the fourth section of this act, on the first Monday in June, 1878, and annually thereafter, who shall hold their respective offices until the next regular election for the election of officers for said town, and until their successors are elected and qualified. The police judge shall have inclusive jurisdiction of all offenses against the by-laws and charter of said town;

but in case of his absence or vacancy in his office, or in case he cannot properly preside, then it shall be lawful for any justice of the peace within whose district the offense was committed to take jurisdiction of the case, and try the same according to law. He shall have concurrent jurisdiction with justices of the peace in all civil, penal, and criminal cases and proceedings arising or triable in the civil district of the county in which he may reside. He shall take the oaths prescribed by the Constitution and laws of this State which justices of the peace are required to take, before entering upon the discharge of the duties of his office.

§ 10. The marshal shall execute bond, with approved security, in manner and form as required of constables, and shall have all the powers, rights and privileges, and be subject to all pains and penalties prescribed by law, and shall perform the same character of duties required of constables.

Marshal to execute bond.

§ 11. That all fines assessed and collected for offenses against the charter or by-laws of the said town shall be paid into the treasury of the town.

All fines collected to be paid to the treasurer.

§ 12. That the police judge of said town may issue a *capias pro fine* to enforce the collection of any fine imposed by his court for any violation of the by-laws or the provisions of the charter of said town; and the officer executing such writ shall be governed by the general laws in regard to the same; and the jailer of the county shall receive from the marshal of said town persons arrested under any writ of *capias pro fine*, and hold such persons in the same manner and for the same time as required by the law in relation to imprisonment for fines, or he may cause the person against whom the fine is assessed to work upon the streets of said town until he pays both fine and costs, at the rate of two dollars per day.

Police judge may issue a *capias pro fine* to enforce collection of fine.

§ 13. That the provisions of chapter 107, title "Towns," of the General Statutes, shall apply to and be in force in regard to the town of Corinth, except so far as they are inconsistent with the provisions of this act.

Chapter 107 of General Statutes shall apply to the town of Corinth.

§ 14. The board of trustees may appoint a police judge and town marshal for said town until the next regular election for officers of the town, and until their successors are elected and qualified.

Trustees may appoint a police judge and marshal until next regular election.

§ 15. This act to take effect and be in force from its passage.

Approved March 11, 1878.

CHAPTER 408.

AN ACT to incorporate the State Union Benevolent Society of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. W. Knox, G. T. Little, A. W. Redd, G. W. Morris, C. R. Mack, Willis Carr, F. C. Nutter, Geo. Holmes, Samuel Martin, J. H. Faulkner, L. W. Gray, Merritt Jones, Newton Henderson, George Scroggins, W. L. Bailey, W. D. Robertson, E. R. Wells, Samuel Breckinridge, and S. L. Coleman, and their associates and assigns, be, and they are hereby, created a body-corporate and politic, with perpetual succession, by the name and style of the State Union Benevolent Society; and by that name they are made capable in law and equity to sue and be sued, plead and be impleaded, contract and be contracted with; to make, have, and use a common seal, and to change the same at pleasure; and to have and use such powers as are usually conferred upon charitable and benevolent institutions of similar kind. Said corporation shall have the right to take and hold by purchase, gift, or devise, real and personal estate and property, and to dispose of and convey the same at pleasure; but the real estate held or owned by it shall at no time exceed one hundred acres; and in view of the benevolent and charitable object to be accomplished by said corporation, the property of every kind held and owned by it shall at all times be exempt from all city, county, State, and other taxes.

§ 2. The purpose and object of this institution shall be to provide and sustain, at some suitable point in this State, a home for the destitute orphans of deceased persons of color, and also to secure them proper care, support, training, and education; and to provide a suitable and proper home for the indigent, aged, and infirm of the colored race, and such other persons of said race as said corporation may think proper to take into said home and under its charge.

§ 3. The membership of said corporation shall consist of active and life members; the conditions of such membership, and the organization of the corporation and subordinate societies throughout this State, shall be determined by the board of directors, and placed in the by-laws adopted by them.

§ 4. A meeting of the incorporators named in the first section of this act shall be called at Lexington, Kentucky, within

Corporators.

Name and style.

Corporate powers.

Purpose and object of society.

Of whom membership to consist

Meeting of incorporators to be called within 30 days from passage of this act.

thirty days from the passage hereof, for the purpose of effecting a permanent organization; and at said meeting said corporators named, or such as may be present, shall constitute a board of directors, and they shall hold their offices until the regular and permanent officers shall be elected and qualified. Said board shall have power to choose from their own number such officers as may be deemed necessary for the time being, until a permanent organization is effected. Said board, if they think proper, shall have power to make and adopt by-laws, rules and regulations, for the government of said corporation and the home to be established; to designate the officers, fix their term of office, and prescribe their duties and powers, fix their salary, if any shall be deemed necessary, fill all vacancies that may occur; and a majority of said board shall constitute a quorum to do business.

§ 5. The orphan children that may be received by said institution at its home shall be subject to the exclusive charge and control of said corporation and its officers until they are twenty-one years of age; and for the protection of said children, and that they may be properly raised and trained, said institution is hereby invested with all the rights and powers of parents or natural guardians.

Children received by institution to be under control of corporation.

§ 6. The officers in charge of said home shall have the right, with the consent of the board of directors, to apprentice to proper and suitable persons, for one or more years, any of the orphan inmates of said home, upon such terms and conditions, consistent with the Constitution and laws of Kentucky, as, in their judgment, the welfare of said orphan may require.

May apprentice orphans to proper and suitable persons.

§ 7. The person to whom said orphan may be apprenticed shall report quarterly, at least, to the officer in charge of said home, the condition as well as the conduct of the apprentice; and should the party to whom said apprentice is bound fail to comply with the terms and conditions of said indenture, the said officer and board of directors may cancel said indenture, and receive the apprentice again into the home.

Duty of person to whom orphan may be apprenticed.

§ 8. To enable said corporation the better to carry out and fulfill the object and purpose of this act, it is authorized to organize and establish subordinate and local societies inferior to the one herein created by this charter; and said societies

May establish subordinate and local societies.

may be organized upon such terms and conditions, and with such powers consistent with this charter, as may be deemed expedient; but before any such society shall be organized, it shall submit to the board of directors herein a copy of their by-laws, rules and regulations, for the approval of said board; and this corporation shall have power to change, alter, amend, or annul any and all by-laws of any inferior society, and substitute its own therefor. All by-laws, rules and regulations, shall be consistent with the Constitution and laws of the United States and of the State of Kentucky.

Officers to constitute a board of directors.

§ 9. The officers of the corporation shall, at all times, constitute a board of directors for the control and management of all its affairs, under such by-laws, rules and regulations, as may be adopted.

Misnomer of incorporation not to vitiate any instrument of writing.

§ 10. A misnomer of the incorporation in any instrument of writing shall not vitiate the same, if it shall be sufficiently described to ascertain the intention of the parties.

§ 11. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 409.

AN ACT for the benefit of Stephen Carpenter, of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is authorized and directed to draw his warrant upon the Treasurer in favor of Stephen Carpenter, of the county of Breathitt, for the sum of twenty-four dollars, for his services in keeping together the jury in the case of Green R. Puckett, charged with murder, by order of the Breathitt circuit court.

§ 2. That this act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 410.

AN ACT to protect game and small birds, and to punish trespass in the county of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the provisions of an act, entitled "An act to protect game and small birds, and to punish trespass in certain counties," approved March 11, 1876 (see Session Acts, volume one, page fifty-five), shall hereafter apply and be in force in the county of Kenton outside the city of Covington.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 411.

AN ACT, entitled "An act to amend and reduce into one the several acts in relation to the town of New Castle, Henry county, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article one of the act *supra* be, and the same is hereby, so amended that the limits and extent of said town shall be, and are hereby, so extended as to include the residences and outbuildings, and lands on which they are situated, owned, and occupied by A. H. Ditto, Geo. C. Castleman, Wm. Gist, Ira Chapman, and C. M. Matthews, and also the property owned by Fleming's heirs.

§ 2. That all of section two, article seven, of the act *supra*, after the word "provided," be, and the same is hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved March 11, 1878.

CHAPTER 412.

AN ACT to amend an act, entitled "An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain counties to take stock in the same," approved February 3d, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Shelby Railroad district, of Shelby county, is hereby authorized and empowered to issue its bonds for not exceeding two hundred and fifty thousand dollars (\$250,000), in denominations of \$500 and \$1,000, as the justices of the peace of said district and county judge of said county may determine.

§ 2. Said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually, evidenced by coupons attached thereto, and the principal shall be paid twenty years after date of issue, with the privilege reserved to pay the principal and cancel the coupons after three years from date. The bonds shall be signed by the county judge, and attested by the county clerk with the seal of the county, and the coupons shall be signed by the county clerk. The judge and clerk shall be paid a reasonable compensation for their services, to be fixed by the justices of the peace of said district. There shall be no charge for the use of the county seal for either the clerk or Commonwealth.

§ 3. The bonds and coupons shall be payable at such place in the United States as the county judge and said justices of the peace may designate; and they shall be negotiated and sold at not less than par value; and the proceeds shall be applied exclusively to the payment and redemption of the eight per cent. bonds issued under said act, approved February 3d, 1869, by said district.

§ 4. The payment of principal and interest shall be provided for by the levy of a tax in all respects as required by said act approved February 3d, 1869, it being the intention of this act to enable said district to substitute seven per cent. bonds for the eight per cent. bonds heretofore issued.

§ 5. This act shall take effect from and after its passage.

Approved March 11, 1870.

CHAPTER 413.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road," approved April 21st, 1873, and to amend the act approved February 13th, 1874, to amend the above named act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act approved April 21st, 1873, and the amendment to said act, approved February 13th, 1874, concerning the management of the Wilderness Turnpike Road, be so amended that all the proceeds of the gates of said road (this act not to refer to the Madison branch), after the passage of this act, be applied to the payment of the indebtedness now outstanding, and no more be applied to the improvement of the road, or to build bridges or keep in repair bridges on same ; but that said road be placed under the control of the county courts of the counties through which it passes, as the county roads are now by existing laws.

§ 2. That the gate-keeper and lessees of the gate will hereafter settle with and pay to a commissioner hereafter appointed, all the moneys in their hands belonging to said road, or to his order, and not to the county judges, as now provided.

§ 3. That Jas. D. Black is hereby appointed commissioner of said road, whose duty it shall be to settle with the county judges of Bell, Knox, Laurel, and Rockcastle, and who have been since 1st of September, 1873, and with the gate-keepers and lessees of the gates since the 1st of September, 1873, who have or may have had in their hands any money belonging to said road, and will ascertain the amount of the proceeds from the gates on said road has come into the hands of each one of said parties; how, when, to whom, and for what purposes they have distributed same. The commissioner may set the time and place that he will settle with said parties, and notify the parties of the time and place of the settlement, by written notices, to be given to each party a reasonable time before the day. He shall have power to send for persons and papers, and coerce the attendance of parties

and witnesses by proper process, and collect from them any money in their hands due to gate.

§ 4. That said commissioner also ascertain the present indebtedness of each road, the name of each creditor, the amount due each, and the time same was created; and for the purpose of giving all the creditors an opportunity of presenting their claims, the commissioner will publish in the Mountain Echo the time and place he will receive the claims, at least twenty days beforehand.

§ 5. That out of the money due the 1st of July, 1878, from the present lessees of the gates and the gate-keepers, the commissioner will pay all the expenses, including the allowance to the commissioner; the balance he will pay to the creditors having the oldest claims.

§ 6. That the commissioner will sell the gates on the road at public sale to the person or persons that will pay the indebtedness of each gate for the shortest period of time; each gate to be sold for the indebtedness of the branch of the road on which it is located. The purchaser or purchasers of the gate to execute bond, payable in two equal installments; the first due in three months, the second in six months, and so on for every three months, until the termination of the lease. The bonds made payable to the Commonwealth, and to bear interest from the time the installments are due, but not to take possession of the gates until after the first day of July, 1878.

§ 7. That the commissioner will give each of the creditors an order on the lessee of the gate that has same to pay for the amount due, stating out of which installments the same shall be paid, which, when paid, will be a credit on the bond; said order to bear interest from time it is presented for payment, after due; the creditors whose claims have been the longest standing to have orders on the bonds first becoming due.

§ 8. That the commissioner shall make a report, in writing, showing the amount of money collected from the present gate-keeper and lessees of the gates, and how the same has been distributed, also the amount each gate sold for, the amount due each creditor, and a list of the

orders, with date, due each creditor of the gate; also a statement of the number of days he was, in good faith, engaged as commissioner, for which he is allowed two dollars per day; said report, with the bonds of the lessees of the gates, shall be filed by him in the Laurel circuit court on the first day of the August term, 1878, of said court, for the inspection and approval of said court.

§ 9. That before commissioner proceeds to act under this act he shall take an oath, before the judge of Laurel circuit court, that he will faithfully, honestly, and impartially, and to the best of his ability, discharge the duties herein imposed, and shall execute bond with good security, before the clerk of the Laurel circuit court, to be approved by the judge of said court, in the sum of two thousand dollars, that he will faithfully discharge the duties of commissioner, and account for all moneys that come in his hands as such, which shall be spread on the order-book of said court.

§ 10. That after the expiration of the lease, the gates on said road are to be removed, except the gate near Livingston, in Rockcastle county, and no more toll collected on said road.

§ 11. That the lessees of the gates under this act shall, after this act goes into effect, only collect one half the amounts now allowed at said gates. That all persons subject now to pay toll at said gates, will pay toll to the lessee under this act, and will be liable to the same fines and forfeitures for refusing to pay or evading the gates as is now imposed by law.

§ 12. That the creditors of the gates may sue the lessee of the gate and their sureties in the bonds, on the orders given them by the commissioner, if not paid on demand, after maturity of the installment out of which same is to be paid, in any court having jurisdiction of the amount of the order.

Approved March 13, 1878.

CHAPTER 414.

AN ACT, entitled "An act to amend and reduce into one the various acts in regard to the town of Bardstown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the town of Bardstown, as laid off and described in the plat of said town recorded in the Nelson county court clerk's office, and enlarged by two acts of the General Assembly, the first approved February 23, 1837, the other March 2, 1867, shall be known and is hereby declared the extent and limit of said town, and is hereby incorporated and declared a body-politic, with the powers and privileges vested in said town by this act, under the name and style of the "Town of Bardstown."

Boundary.

Name and style.

Trustees to be elected annually.

§ 1. The prudential, fiscal, and municipal concerns is hereby vested in seven trustees, who shall be elected annually on the first Saturday in April, and shall hold their offices for one year, and until their successors are elected and qualified. Said trustees shall qualify and enter upon the discharge of their duties on or before the first day of May succeeding their election. Said trustees shall qualify by taking the oath of office prescribed by the Constitution of Kentucky.

Vacancies in board—how filled

§ 2. Should any member of said board of trustees die, resign, or move outside the corporate limits of said town, during the term for which he is elected, the remaining members shall elect a successor to fill the vacancy occasioned by such death, removal, or resignation.

Qualification necessary for the office of trustee.

§ 3. No person shall be eligible to the office of trustee of said town who is not a citizen of said town, and been a resident thereof for twelve months preceding the election.

Qualifications of voters.

§ 4. All qualified voters of the State of Kentucky, who have resided in said town for six months preceding the election at which they offer to vote, and all qualified voters of Nelson county who own real estate in said town, are declared the qualified voters of Bardstown.

Board to elect one of their number chairman.

§ 5. Said board of trustees shall elect one of their members chairman of said board, who shall hold his office for

the term for which he is elected, and shall be styled "Chairman of the Board of Trustees of Bardstown."

§ 6. The board of trustees of Bardstown are vested with power to make and receive all necessary conveyances in relation to said town. They are vested with power and control over the squares, streets, and alleys in said town, or which may be hereafter opened. They shall direct the opening, improving, or repairing same in such manner as they may deem best. Said board of trustees shall have all necessary sidewalks, with suitable curbing, constructed, improved, or repaired in said town, and shall assess the cost thereof against the owner or owners of the lot fronting on sidewalks thus improved, constructed, or repaired, and the cost thereof shall be a lien on the lot.

Powers vested in board.

§ 7. Said board of trustees are vested with power:

1. To make all necessary ordinances for the regulation and good government of said town.

2. To pass all necessary ordinances for the suppression of riots, routs, breaches of the peace, affrays, unlawful assemblies, riotous or disorderly conduct and drunkenness in said town, and to provide for the punishment of persons engaged in said offenses, and to fix the penalties.

3. To fix penalties for the violation of any of the ordinances of said town in such sums as they may deem best, not, however, in any case to exceed fifty dollars for any one offense.

4. To declare by ordinances what are nuisances within said town, and by their order to direct same to be abated; and they may by ordinance impose fines upon persons guilty of creating or continuing nuisances in said town.

§ 8. It shall be the duty of said board of trustees to appoint a treasurer, clerk, assessor, and attorney for said town, and to provide by ordinance for the compensation of each; and shall require bond from the clerk, assessor, and treasurer for the faithful discharge of their respective duties; in addition to which, said officers shall take the oath of office prescribed by the Constitution of Kentucky.

Treasurer, clerk, assessor, and attorney to be appointed.

ARTICLE II.

§ 1. The board of trustees of Bardstown have power to levy and collect a tax upon the property in said town, not to exceed, in any one year, one per centum on the assessed value, and to levy and collect a poll-tax on the male inhabitants of said town, not to exceed one dollar on each male inhabitant of said town over twenty-one years of age.

May levy and collect a tax.

§ 2. Said board of trustees are vested with power to license and tax, and to provide by ordinance for licensing and taxing, within the limits of said town, all taverns, coffee-houses, saloons, sporting galleries, places of public resort for sport or pleasure, shooting-galleries, and all houses and places wherein spirituous, vinous, or malt liquors are sold or given; all auction sales, shows and exhibitions, livery and sale stables, omnibuses, hacks, carriages, and other vehicles run in said town for pay or hire; and shall, by ordinance, fix the tax on such license in such sum as they may deem proper; and shall, by ordinance, enforce the taking out said license, by fixing fines and penalties against all persons failing or refusing so to do: *Provided*, The tax on a license to keep a coffee-house or drinking saloon in said town shall, in no case, be less than one hundred and fifty dollars nor more than two hundred and fifty dollars; tavern license not less than one hundred dollars nor more than one hundred and fifty dollars; merchants' license not less than fifty dollars nor more than one hundred dollars: *And provided further*, No license shall be granted for any games or gaming inconsistent with the laws of this Commonwealth. All shows which exhibit within six hundred yards of said town shall pay the tax herein provided for.

May license and tax places of amusement, and all houses where spirituous or vinous liquors are sold.

§ 3. The assessor of said town shall be annually appointed on or before the first day of May, and shall immediately qualify and enter upon the discharge of his duties. He shall call upon each resident of said town for a list of his, her, or their property, and shall administer an oath to each person, similar to the oath administered by the county assessor, as to the truth of his, her, or their list, and shall value the property so listed. He shall

Assessor to be appointed annually, and his duties.

make out the lists of property in said town owned by non-residents thereof, calling on their agents, if they have any, if none, then from such information as he possesses or may obtain; or if there is no agent, he may make such lists from the assessor's book of the preceding year; and said property shall be valued in the same manner as the property of residents of said town; but the name of the agent, if there is one, shall be placed upon the assessor's book, as well as the name of the owner.

§ 4. The lists of the property, and the valuation thereof, shall be made as of the 20th of April of each year, and the assessor return his lists, together with a complete list of all the male inhabitants of said town over the age of twenty-one years, and the number of dogs, and likewise the number of hogs owned by each, on or before the first day of June of each year.

Valuation to be made as of 20th April.

§ 5. Immediately upon the return of said lists by the assessor, the board of trustees shall appoint three discreet property-holders of said town a board of supervisors, who shall carefully examine the lists as returned by the assessor, and correct the valuation of property as made by him, whether the same be valued too high or too low, and make such corrections as may be right; and any person who feels aggrieved by the valuation of his property as made by the assessor, may apply to the board of supervisors, who shall hear and determine the matter, and grant such relief as is proper. The board of supervisors shall complete their labors and report to the board of trustees within ten days after their appointment.

Board of supervisors to be appointed, & their duties.

§ 6. Immediately upon the report of the board of supervisors being made, the board of trustees shall apportion and levy an ad valorem tax on the property returned, and a poll tax on each male inhabitant returned, and a tax on each dog and each hog returned, to be paid by the owner: *Provided*, The tax on each dog shall not be less than fifty cents, and on each hog such sum as the board may fix in their ordinances: *Provided further*, Should the owner or owners fail to pay said tax when demanded,

Board to levy an ad valorem and poll-tax.

the hogs shall be sold to pay said tax, and the dogs killed by the tax collector.

To prescribe rules for obtaining a fair assessment.

§ 7. The board of trustees shall prescribe all necessary rules and regulations for obtaining annually a fair and equal assessment of all property subject to taxation in said town, and for the collection thereof.

Clerk to make out tax-book.

§ 8. The clerk of the board of trustees, as soon as the assessor's book is approved by the board, shall make out, in a book to be provided for that purpose, an alphabetical list of the tax-payers of said town, together with the amount of property owned by each, and amount of tax due from each, and place same in the hands of the marshal or tax collector of said town, on or before the 10th day of August in each year.

Marshal or tax collector to collect taxes.

§ 9. The marshal of Bardstown or the tax collector shall proceed immediately to collect the taxes on said book, and shall furnish to each tax-payer a receipt for the amount of taxes paid. Should any tax-payer fail or refuse to pay his, her, or their taxes on demand, the marshal or tax collector shall tender to the delinquent a receipt for the amount due, and again demand payment; and if the tax-payer then fails or refuses to pay same, the officer shall immediately distrain for same by levying upon, and selling for cash in hand, any or all property of the delinquent.

Property subject to distraint for taxes due.

§ 10. All property owned by the person against whom the tax is assessed shall be subject to distraint, and may be levied on and sold for the taxes due and costs of sale, including the costs of advertising and six per centum on the amount due as commissions to the officer for making the levy and sale. The marshal shall first seize the personal estate of the tax-payer; if none, he shall levy on and sell the real estate of the tax-payer, or the real estate against which the assessment is made, as the case may be.

All real estate may be sold for taxes due.

§ 11. All real estate in Bardstown may be sold for the taxes due upon said real estate, or due to the town from the person owning same. The marshal or tax collector shall levy upon same by indorsing the levy upon the tax receipt, and shall sell same at the court-house door

in Bardstown on the first day of a county or circuit court. Before selling, the officer shall advertise the time, terms, and place of sale, together with a description of the property to be sold, for at least fifteen days preceding the sale, by printed handbills posted at the court-house door, and at least four other public places in said town; and if a newspaper be published in said town, then by two insertions in said newspaper. Said sale shall be made for cash in hand, and shall be for a sum sufficient to pay the taxes due and costs, as provided in the last section. If the lot sold is susceptible of division, the officer shall sell only so much as is necessary to pay the tax and costs; but if not susceptible of division, then the whole property shall be sold, and the excess over and above the taxes and costs shall be paid over to the delinquent owner. As soon as said sale is made, and the purchase-money paid, the marshal or tax collector shall convey the property sold to the purchaser.

§ 12. If there is no marshal of said town, or if the marshal fail or refuse to take the tax-book, and collect said taxes, then, and in that case, the board of trustees may appoint a collector of taxes for said town, who shall execute bond, and take the oath of office, and shall be invested with all the rights, powers, and privileges of the marshal in the collection of taxes, and shall be subject to like penalties.

Marshal failing or refusing to take tax-book, board may appoint a collector.

ARTICLE III.

§ 1. There shall be elected on the first Monday in August, 1878, and every fourth year thereafter, by the legal voters of Bardstown, a judicial officer, to be styled the police judge of Bardstown, who shall qualify as required by the Constitution and laws of the State of Kentucky, and enter upon the discharge of his duties at the same time that county judges are required by law so to do.

Police judge to be elected.

§ 2. Said police judge shall possess the same qualifications as county judges.

Qualification of police judge.

§ 3. Said police judge shall hold his courts in Bardstown at such times as the board of trustees shall, by ordinance, prescribe, and his court shall be known as the "Police Court of Bardstown."

When he shall hold his courts.

which settlements shall be examined and approved by the board of trustees.

Vested with same powers as are conferred upon sheriffs.

§ 4. The marshal of Bardstown is vested with the same powers as are conferred by law upon sheriffs in the collection of taxes and executions of process, and shall receive the same compensation, payable and collectable in the same manner, and be liable to like penalties: *Provided*, He shall receive one dollar for serving each warrant of arrest or summons for a violation of the ordinances of Bardstown, to be paid by the town and taxed as costs, and each defendant arrested or summoned shall be considered a separate warrant; he shall receive, in addition thereto, such salary for policing said town as the board of trustees may by ordinance fix.

May appoint a deputy by consent of board.

§ 5. Said marshal may, by and with the consent of the board of trustees, appoint a deputy marshal for said town, who shall take the oath of office, and is invested with all the powers and authority of the marshal; and the marshal of Bardstown shall be liable on his bond for all the acts of his deputy.

Board may appoint policemen.

§ 6. The board of trustees may, from time to time, appoint policemen for the town of Bardstown, not exceeding six at any one time; may remove any or all of them at pleasure, and appoint others in their stead. Said policemen shall take the oath required by law of constables, and are invested with all the powers of sheriffs or constables in suppressing riots, arresting law-breakers, and to preserve the peace in said town. They are authorized to execute all criminal process issued by the police judge of Bardstown. The board of trustees shall provide by ordinance for the payment of said policemen when on duty.

Peace officer to arrest and confine any drunken or disorderly person.

§ 7. Whenever any drunken, riotous, or disorderly person is arrested by any peace officer within said town, it shall be lawful for such officer to confine said drunken, riotous, or disorderly person in the jail of the county, until he can be brought before the police court, or some magistrate, to be dealt with according to law; but such person shall not be so confined for a longer period than twenty-four hours, unless the day succeeding the arrest

be Sunday; then such person shall be taken before the court or magistrate by 12 o'clock M. on Monday.

§ 8. Should a vacancy occur in the office of marshal, the board of trustees shall appoint some suitable person to fill the office during the remainder of the term.

Vacancy in office of marshal to be filled by board.

ARTICLE V.

§ 1. The treasurer elected by the board of trustees, as provided in this act, shall be the custodian of the funds of said town, which he will pay out on the orders of the board of trustees, and will render an annual statement of the amounts received by him, together with proper vouchers for all disbursements, and will render such other statements as the board may require from time to time, and turn over all funds and property of the town in his hands to his successor.

Treasurer to be elected by the board, and his duties.

§ 2. The clerk of the board shall keep a correct record of all the proceedings of the board of trustees in well-bound books, to be provided for that purpose at the cost of the town, and shall be the custodian of the records and papers of said board.

Clerk of board to keep a record of all proceedings.

ARTICLE VI.

§ 1. Said board of trustees have power to establish a market, and to pass all necessary ordinances for the regulation thereof; to appoint a market-master, and assistants when necessary, weighers, measurers, and inspectors, and such other officers as may be necessary for the proper management of said market, and the proper weighing, measuring, and inspection of produce sold or offered for sale in said town, and provide for the salaries of said officers by ordinance.

Market-master to be appointed, and board to pass ordinances for regulation thereof

ARTICLE VII.

§ 1. The board of trustees of Bardstown [shall] have power to erect and operate a work-house in or near said town; and for that purpose may purchase or lease the necessary ground, and erect suitable buildings thereon, or they may arrange with the Nelson county court for the use of the jail yard of Nelson county, and use same for

May erect and operate a work-house.

that purpose, and use the jail of said county for the safe-keeping of prisoners incarcerated for a violation of the ordinances of said town. The board of trustees shall appoint a keeper and necessary watchmen for said work-house, and provide for their pay.

Who may be
confined in work-
house.

§ 2. All persons convicted of a violation of the ordinances of Bardstown, and adjudged to pay a fine, in default of payment shall be confined in the work-house, and kept at hard labor, at such work as the board of trustees may prescribe; also by working them on said streets in Bardstown, with ball and chain attached, by the regulations governing said work-house, and until said fine and cost are paid, at the rate of one day's imprisonment for each dollar of fine; and it shall be lawful for the board of trustees, in the regulations for said work-house, to prescribe what task shall constitute or represent a day's work.

ARTICLE VIII.

May organize
and control fire
companies.

§ 1. Said board of trustees shall have power to organize and control one or more fire companies in said town; and shall have control over the fire company in said town organized in said town under prior acts of the General Assembly, and may disband same whenever the said board deems proper, and order another to be organized.

To prescribe
rules and regula-
tions for govern-
ment thereof.

§ 2. Said board of trustees shall, by ordinance, prescribe rules and regulations for the government and management of said fire company or companies; and may impose fines and penalties upon the members of said companies for violation of any of said regulations.

Messenger to be
appointed.

§ 3. Said board of trustees shall appoint the messenger of said company, and provide for his salary.

SCHEDULE.

Present officers
to continue in
office until their
successors are
elected or ap-
pointed.

§ 1. The board of trustees, police judge, marshal, attorney, and other officers of said town, in office when this act takes effect, shall continue in office under this act until their respective successors are elected or appointed and qualified, and shall receive the compensation fixed by law or the ordinances of said town in force at the passage of this act; and the by-laws or

ordinances now in force in said town shall continue in force under this charter until repealed or others adopted in their stead by the board of trustees.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

All laws in conflict herewith repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 13, 1878.

CHAPTER 415.

AN ACT to incorporate the Cemetery Company of Smith's Grove Lodge, No. 227, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. L. Wright, H. W. Sanders, Arch Howard, F. W. Ewing, W. M. Kirty, W. M. Woodward, J. P. Cowles, and their associates, members of Smith's Grove Lodge, No. 227, Independent Order of Odd Fellows, of Smith's Grove, Warren county, Kentucky, they are hereby created a body-politic and corporate, under the name and style of the Cemetery Company of Smith's Grove Lodge, No. 227, Independent Order of Odd Fellows; and by that name said corporation shall have perpetual succession; and shall be able and capable in law to have and use a common seal, to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of this Commonwealth and elsewhere; they shall have power to purchase any quantity of land in the county of Warren, not exceeding fifty acres, and receive a conveyance therefor, with such covenant of warranty as they may deem proper.

Corporators.

Name and style.

Corporate powers.

§ 2. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for cemetery and ornamental grounds, and shall never be alienated, sold, or used for any other purpose whatsoever; but any portion of ground not laid off may be used in a manner not inconsistent with the reverence and respect due to a cemetery; and the said lodge, by a majority of

Land conveyed to corporation to be held exclusively for cemetery purposes.

its members present at any regular meeting, may, by a motion (the same having been submitted in writing and laid over one week), set aside a portion of the grounds for a superintendent's house or houses, and ground sufficient for rearing plants, flowers, and shrubbery to ornament said grounds; and after the grounds shall be fully paid for, no part thereof shall ever be subject to sale by virtue mortgage or judgment, execution or decree, for any cause whatever; no road, street, or passway shall ever be opened through said grounds after they are once laid out, without the consent of said lodge.

May take by devise or bequest any property for the improvement of cemetery.

§ 3. Said lodge may receive and take, by devise or bequest, any property or other things granted, devised, or bequeathed for the improvement, ornamenting, and beautifying of said cemetery and grounds, in accordance with the bequest so given, provided it does not interfere with the charter or any by-law connected with it; and any grounds that may hereafter be purchased or received shall be laid out to harmonize with the present plan.

Affairs of company to be managed by a board of trustees.

§ 4. The affairs of this corporation shall be managed by a board of trustees, consisting of five members of Smith's Grove Lodge, No 227, Independent Order of Odd Fellows, to be elected by ballot; a majority of all the votes cast shall elect. The first election shall be held at the last regular meeting of Smith's Grove Lodge No. 227, Independent Order of Odd Fellows, in the month of May of each year; but if, in any event, the election should not be held at said meeting, then it is to be held at the next regular meeting of the lodge. Said trustees shall hold office for one year or until their successors are elected and qualified. The six members herein named shall act as trustees until the first election is held and their successors are elected and qualified.

Each trustee to take an oath.

§ 5. Each trustee, before entering the duties of his office, shall make oath in Smith's Grove Lodge, in the presence of the members assembled, that he will faithfully discharge the duties of his office, and will not be influenced in his conduct by sectarian or political partialities. In case of vacancies by death or otherwise, the Lodge

shall nominate as many of the members as it may see fit, and at the same meeting it shall proceed to elect a trustee or trustees to fill such vacancy or vacancies.

§ 6. It will be the duty of the trustees elect to call a meeting as soon as possible, and select from their own body a president, secretary, and treasurer. The president shall preside over their meeting, and sign all writings on the part of the corporation which may be deemed necessary by the board of trustees.

Officers to be elected.

§ 7. The secretary shall give bond, with approved security, for all moneys that may come into his hands by virtue of his office; he shall sign all drafts for money on the treasurer, the same having been ordered by the board of trustees, and signed by the president, and keep a record of all proceedings of the board of trustees, keeping copies of sales of lots in a record-book kept for that purpose; and it shall be his duty to make out semi-annual reports June 30th and December 31st of each and every year, and the same having been approved by the board of trustees, they shall be presented to Smith's Grove Lodge, No. 227, Independent Order Odd Fellows; and having been read in open lodge, it will be the duty of the noble grand to refer them to the finance committee of said lodge for examination, and if found correct, shall be received and go to record in a book kept by the lodge for that purpose, in and under the control of the secretary of said lodge.

Secretary to give bond, and his duties.

§ 8. The treasurer shall give bond, with approved security, for all moneys that may come into his hands by virtue of his office, and pay all drafts for money upon him when properly signed by the president and secretary, and the seal of said corporation imprinted on same; it will be his duty to make out semi-annual reports—June 30th and December 31st of each and every year—to said lodge; and it shall be his duty to make a statement of the financial condition of the corporation to the board of trustees, or to Smith's Grove Lodge, No. 227, Independent Order Odd Fellows, whenever called upon.

Treasurer to give bond, and his duties.

§ 9. Sales of lots: any purchaser failing to pay the contract price for a lot or lots bargained for, within the

Sales of lots.

space of one year from the date of such contract, shall forfeit all claim to the same, and the lot or lots, with all improvements thereon, shall revert to the corporation, and be held as if never sold. If any interments have been made in any such lot or lots, the trustees shall have the power to remove, or cause the bodies to be removed, to any public ground kept for burial purposes, or to a place set apart for that purpose in said cemetery: *Provided*, That the said trustees shall give a written notice to the person or persons in whose name such lot or lots are purchased, of at least thirty days before such action; and if such person or persons cannot be found, then said notice is to be posted in said lot or lots for sixty days.

Board held personally responsible for allowing the dead to be buried in a lot before payment of same is secured

§ 10. The board of trustees shall be held personally responsible for all purchase money for lots, provided they sell to or allow an irresponsible person to bury their dead in a lot before the payment of said lot is secured.

Certificate to be given to purchasers of lots.

§ 11. When a burial lot is purchased, and the purchase price paid therefor, the trustees shall give a certificate thereof under the seal of the corporation, which shall contain a description of the lot, which shall vest the purchaser with title, when approved by the aforesaid lodge. The approval of the lodge will be made known by the signatures of its noble grand and secretary at the left of the seal of the corporation, with the seal of the lodge on their left; and it shall be the duty of the board of trustees, before making any permanent improvements, to submit the same to the lodge for its approval, they having given a detailed statement of the kind of improvement to be done, and also the cost of same, provided it shall cost fifty or more dollars; and said statement shall be read in open lodge, and after reading, shall lay over one week; and if then approved by a majority of the members present, the statement shall be signed by the noble grand and secretary, and the seal of the lodge attached. The secretary of the lodge shall hand same to the president of the board of trustees, but before proceeding with said improvement, it shall be the duty of the president to see that there is a written contract setting forth plainly the work to be done, and the cost of same; and the parties so

contracting shall give good security for the faithful performance of his or their contract; and in event of partial payment for work so done, the board of trustees shall retain twenty per cent. of the estimate of work done until the work is completed according to contract and approved by the board of trustees; and in no case shall they contract to have any work done unless there is sufficient money in the treasury to pay for same. Any work needed to be done, and not costing fifty dollars, then they shall have full power to proceed with any work a majority of the board of trustees may deem necessary to be done on said ground or buildings.

§ 12. The board of trustees shall have power and authority conferred upon each one of them, and the sexton or other persons having said cemetery or any of its grounds in charge, such as constables have, to make arrests; and such officers and persons, and each of them, is empowered to arrest without warrant, and take before the proper officers or tribunal, to be dealt with according to law, any and all persons found violating the laws, rules and regulations, of this corporation; and if any person or persons forcibly, and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones or inclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or in any manner damage any of the grounds of the corporation, such person or persons, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation for the damage; and the damages, when recorded, and the fines, when assessed and collected, after paying expenses, shall be applied by the corporation to restore the damages done, as far as it is possible to do so. The proceeds of the sale of lots or rent of house, or of grounds unlaidd off, shall go first to pay any amount due on the purchase of the grounds now purchased, or for any ground the lodge may deem expedient to purchase before all the lots are sold in the original purchase, except the amount needed to defray the general expenses of keeping the grounds, walks, roads,

Power and authority to make arrests conferred upon trustees and persons in charge of cemetery.

houses, and fencing in good order; and after the debts of the corporation are paid, the corporation shall set apart one third of the proceeds of the sales of all lots, and any other revenue arising from the use of house or houses, or grounds, and invest the same as often as may be convenient, and always seeing such loans are well secured by mortgage on real estate in Warren county, Kentucky, unless it shall be for small amounts that shall have to be loaned on short time, or until the trustees can get enough money to make a loan secured as hereinbefore mentioned; but said loan to be well secured by personal security, so as to create a perpetual fund for the preservation of the cemetery grounds and buildings; and the principal of said fund so invested shall never be used, only the interest, or the interest upon the interest, and it shall only be used for keeping the ground in good order. The interest shall be paid on the first day of January of each and every year by the parties borrowing said money, and the same shall be paid to the secretary of said corporation.

Titles of lots purchased may be transferred.

§ 13. The title of lots purchased may be transferred under such rules as the board of trustees may prescribe by their by-laws, but in no other manner; if not transferred by the grantee, shall descend and pass as other real estate, to be used for the purpose herein prescribed. Whenever an attempt is made to use any lot for other than burial purposes, the title thereto shall revert to the corporation.

Lodge may make by-laws for government of corporation.

§ 14. Smith's Grove Lodge, No. 227, Independent Order of Odd Fellows, may make any by-law it may deem necessary and proper for the government of the corporation, not inconsistent with this charter and the laws of the State of Kentucky; and the trustees of this corporation shall abide by, and act in accordance with, the by-laws made for the corporation by the said lodge.

Lands exempt from taxation.

§ 15. That the lands of said cemetery corporation, and all the lots in the cemetery grounds, and grounds they may hereafter purchase to be used for burial purposes, shall be forever exempt from all assessments or taxation, or executions, attachments, or other legal process, and for

any lien, charge, or appropriation for public purpose; and in the event Smith's Grove Lodge should, from any cause, lose her charter as a lodge, and hereby cause these grounds to come under the control of the Grand Lodge, Independent Order of Odd Fellows of Kentucky, then the Grand Lodge of Kentucky shall conduct the affairs of these grounds in accordance with these articles of incorporation, and the Grand Master of the State shall appoint a committee of five citizens of Warren county to take charge of said grounds; and said committee to be governed and controlled by these articles of incorporation and the by-laws of same.

§ 16. The board of trustees shall in no case sell a lot or lots to any person of color, nor can such person, under any circumstances whatever, either by purchase, gift, devise, or otherwise, ever become owner or holder of any lot or lots in this cemetery; nor shall any lot-holder be allowed to allow any person of color to be buried in a lot or lots owned by them, under the pain of forfeiture of his or her lot or lots.

Board prohibited from selling lot to any person of color.

§ 17. All moneys due and demands of every kind due this corporation shall be paid to its secretary, and no one else is allowed to receive the same. If anything due the corporation should be received by any member except the secretary, the corporation will not be bound thereby.

All moneys to be paid to secretary.

§ 18. *Be it further enacted*, That all contracts, conveyances and sales, heretofore made or received by Smith's Grove Lodge, No. 227, Independent Order of Odd Fellows, or her trustees, in reference to the grounds, cemetery, and lots owned by said lodge at any time, be, and the same are hereby, declared legal and valid.

All contracts heretofore made in reference to cemetery grounds declared legal & valid.

§ 19. That this act shall take effect from and after its passage.

Approved March 13, 1878.

CHAPTER 416.

AN ACT to amend an act, entitled "An act to incorporate the District of Cold Springs, in Campbell county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. In order to more definitely describe the District of Cold Springs, in Campbell county, the following shall be the boundary lines : beginning in the center of the county road, at the southeast corner of Chas. Hoffman's farm, proceeding in a northern direction along said Hoffman's east line to the farm lately owned by Mrs. Trunnell; thence in a southern direction with the division line of Mrs. Trunnell and Chas. Hoffman to Chas. H. Horner's east line; thence in a southern direction along said line to his southeast corner, and corner to Nicholas' hill; thence west along the southern line of said Charles H. Horner to the southwest corner of his farm, and in the center of Taylor Thornton's road; thence in a northern direction along said road to the county road leading to John's hill; thence along said road to the northeast corner of Jacob Wigel's farm, so as to include the farms of Henry Bandendistel, Wm. Fahrenholtz, the farm lately owned by Mrs. Trunnell, Chas. H. Horner, and Enoch Parsons; thence along Jacob Wigel's east line in a western direction to Henry Singleton's south line; thence along said line to his west line; thence along said line to the south line of W. C. Davis; thence in a western direction along said line to Eli Kinney's south line; thence along said line to the division line of said Eli Kinney and Mrs. Dr. Peter Thornton's farm; thence along said division line to the center of the Newport and Alexandria Turnpike Road; thence in a southern direction, in the center of said turnpike road, to the county road leading to the Ohio river, so as to include the farms of — Curry, Henry Singleton, W. C. Davis, and Eli Kinney; thence in the center of said road to Miles' mill on Three-mile creek, continuing in the center of said road to the boundary line of school district No. 45; thence along the line of said district in an eastern

direction to the northeast corner of the farm lately owned by Trumbower, including the farms of Mrs. Shane, Mrs. Elizabeth Miles, Milton Cooper, Sellinger, Luke McClellan, James McGraw, Robert Dodsworth, David Dunseath, and the Trumbower farm; thence along the line of said farm in an eastern direction to the farm lately owned by Robert Maddox; thence in an eastern direction along the line of said Maddox's farm to the northeast corner of the farm of Wallace & Co.; thence with the east line of said farm to their south line, continuing along their line to the northeast corner of Thos. Wrightson's farm; thence in a southern direction to the northeast corner; thence in a western direction along his southern line to the southeast corner of Robert Dodsworth's farm; thence along his south line in a western direction to the northeast corner of John C. Youtsey's farm; thence in southern direction along the eastern line of said Youtsey's farm to the bridge on the Newport and Alexandria Turnpike Road, near the southern boundary of said farm, so as to include the farm lately owned by Robert Maddox, also the farms of Wallace & Co., Thomas Wrightson, and John C. Youtsey; thence in direct course to the farm of Geo. Youtsey; thence with the eastern line of said farm in a southern direction to the northeast corner of A. J. Youtsey's farm; thence with his east line to his southeast corner, and the division line of said Youtsey and John Bartle; thence in a western direction along said division line to the center of the county road, near the late residence of Joseph H. Horner; thence along the center of said road to the southeast corner of Joseph H. Horner's farm, and corner to William L. Ware's farm; thence along the division line of Jos. H. Horner and W. L. Ware to the center of the old State Road and Ripple Creek Turnpike; thence along the center of said road to the division line of Jos. H. Horner and Nicholas Staffin; thence along said division line to the line of Geo. Bennett; thence along the division line of said Geo. Bennett and Joseph Horner to the south corner of John Dye's farm; thence in a western direction to the southern cor-

ner of Levi Dix's farm; thence along the western line of said farm to the southern line of Geo. Youtsey's farm; thence along said line to Ripple creek; thence to the southeast corner of Charles Muman's farm; thence in a western direction along his line to the center of the county road leading from the seminary to the big bend of Licking; thence in a western direction along Mrs. Thomas Dameron's southern line to the south corner of her farm; thence with the west line of said farm to the south corner of Mrs. James Digby's farm, so as to include the farms of Geo. Youtsey, A. J. Youtsey, Jos. H. Horner, John Dye, Levi Dix, Geo. Youtsey, Chas. Muman, and Mrs. Thos. Dameron; thence along the south line of said Mrs. Jas. Digby's farm to the farm of Wm. Southgate; thence with the line of said Southgate's farm to Pool's creek; thence up Pool's creek to the farm lately owned by T. J. Shafer, including the farms of Mrs. James Digby and Wm. Southgate; thence with the west line of the farm lately owned by T. J. Shafer to the farm of Joshua Evans; thence with the line of his farm to the farm of Geo. Herbts; thence along his line to the farm of Simon Poch; thence with his line to the center of the county road leading from the Alexandria Turnpike Road to the Licking Turnpike Road; thence along the center of said road to the place of beginning, including the farm lately owned by T. J. Shafer, also the farms of Joshua Evans, George Herbts, the farm lately owned by Emerson, and the farm of Simon Poch, also all the land embraced within the aforesaid boundary lines.

§ 2. Section seventh of said original act is hereby amended by inserting the clause, " which may be enforced before a justice of the peace for Cold Spring magisterial district," after the clause " and provide for their observance by adequate penalties;" and section fourteen of said original act is so amended that all taxes, as provided in section twelve of the act to incorporate Cold Spring district, levied after the year 1877, for the use of said district, shall be collected by the sheriff of Campbell county, who, for that purpose, shall be furnished by said board

with all such levy or levies on or before the tenth day of July in each year; and it shall be the duty of said sheriff to settle with and pay over to the board of trustees of said district all moneys in his hands belonging to said district on or before the first day of January. After such levies have been placed in his hands, the sheriff is hereby empowered to receive and collect such taxes, by the same law and by the same regulations as govern him in the collection of the county and State taxes; and the said sheriff shall receive as compensation five per centum on all sums collected and paid over to said board. The land of delinquent tax-payers shall be sold as is provided for the sale of lands of delinquent tax-payers under the general laws of this Commonwealth.

§ 3. The board of trustees may make regulations to prevent all kinds of stock from running at large in said district, and may provide a pound for imprisoning such stock at the cost of the owner thereof, as fixed by the said trustees; and in the event of said owner or owners refusing or failing to redeem said animals in the time prescribed by the board of trustees, the same may be sold or otherwise disposed of by the board of trustees for the benefit of said district, and for the payment of the costs of their apprehension and keeping, in such manner as the by-laws may provide.

§ 4. That when any person or persons shall have been fined for violating any of the by-laws or ordinances of said district, and fails to pay the same, it shall be lawful to issue a *capias pro fine* against the offender or offenders; and if not paid, the offender or offenders shall be confined in the county jail, provided the imprisonment shall not exceed one day for each two dollars of said fine.

§ 5. This act shall take effect from and after its passage.

Approved March 12, 1878.

CHAPTER 418.

AN ACT to authorize the trustees of Catlettsburg to tax and license the sale of spirituous, malt, or vinous liquors within the town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Catlettsburg, in Boyd county, Kentucky, be, and they are hereby, empowered and authorized to grant license authorizing the sale of spirituous, malt, or vinous liquors by the small, and in quantities not greater than four gallons, within the corporate limits of said town, and to assess and collect an annual tax upon all person or persons vending spirituous, malt, or vinous liquors under license from said trustees, of not less than one hundred dollars nor more than two hundred upon each person so obtaining license. Said trustees may, in their discretion, require said tax to be paid before the issual of the license, or may put the same upon the basis of other specific taxation authorized by the charter of said town.

§ 2. Before any license shall be granted to any one under the provisions of this act, the person or persons applying therefor shall produce the receipt of the clerk of the Boyd county court showing the payment by each person to the State the tax required by general law upon license to sell ardent spirits.

§ 3. Before any person or persons obtaining a license under the provisions shall proceed to sell thereunder, such person or persons shall execute, before the Boyd county court, a bond to the Commonwealth of Kentucky (the sureties in which shall be worth above exemptions one thousand dollars), conditioned that the person obtaining said license will faithfully keep the provisions of the general laws of Kentucky regulating the sale of intoxicating liquors, which bond may be sued upon by any person aggrieved by its violation.

§ 4. All provisions of the charter of the town of Catlettsburg, and all local laws applying to said town, and all laws of any character, general or special, in conflict the provisions of this act, or inconsistent with its provisions, are hereby repealed.

§ 5 That this act shall be submitted at the next regular election of town trustees to a vote of the legal voters of said town, and shall not take effect and be enforced unless a majority of the qualified voters of said town shall vote in favor thereof.

Approved March 13, 1878.

CHAPTER 419.

AN ACT authorizing the judge of the Bourbon county court to call the county court together for the purpose of building or improving the county jail, and to make levy to pay for same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Bourbon county be, and is, authorized to call the court of claims of said county to meet at the court-house in Paris on any day selected by him.

§ 2. Said court of claims, when assembled under said call, a majority of the justices being present, may cause the old jail to be repaired or a new one erected.

§ 3. And they are authorized to issue fifteen Bourbon county bonds of one thousand dollars each, payable one year from date, to bear interest at a rate not greater than eight per cent. per annum from date until paid, to be used in erecting said jail as provided in the second section of this act; and said court are further authorized to levy a tax to pay said bonds and interest, upon all property in said county subject to taxation for county and State purposes, not exceeding twenty cents on the one hundred dollars; and said bonds shall be signed by the county judge, and countersigned by the clerk of the county court, and shall not be sold for less than par.

§ 4. This act to take effect from its passage.

Approved March 13, 1878.

LAWS OF KENTUCKY.

CHAPTER 421.

AN ACT for the benefit of Buckner Wilhoyte, a pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be authorized and directed to draw his warrant on the Treasurer in favor of James Wilhoyte, committee of Buckner Wilhoyte, a pauper idiot, for one hundred and six dollars, being to cover the interregnum between the last and the former inquest held in case, for which he drew no compensation.

§ 2. This act shall take effect from its passage.

Approved March 13, 1878.

CHAPTER 422.

AN ACT to reduce into one the several acts in relation to the town of Benton, in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be an election in the town of Benton, Marshall county, Kentucky, on the first Saturday in June, 1878, of five trustees, and annually on the first Saturday in June of each year thereafter. Said trustees shall hold their office for the term of one year, and until their successors qualify. No person shall be eligible to the office of trustee who is not a citizen of the town and a qualified voter of this Commonwealth. No person shall vote at an election of trustee who has not resided in the town where the election is held sixty days next preceding the same, and who is not a citizen of the State. The trustees shall appoint two discreet persons, citizens of the town and qualified voters, to act as judges of the election. The clerk of the board shall be clerk of the election, but if, from any cause, he should fail to attend or act, the judges of the election shall appoint a clerk to act in his place. The judges and clerk shall be sworn, before proceeding with the election, faithfully to discharge their duties, and shall make report of the result of the election to the clerk of the county court, and also to the board of

trustees. That in case of a vacancy in the board of trustees from any cause whatever, it may be filled by appointment by the county court, or by the board of trustees, three of whom shall concur in said appointment. The trustees shall take the oath prescribed by the Constitution for civil officers, and enter upon the duties of their offices on the second Monday after their election; and any one receiving the appointment of trustee shall immediately qualify and enter upon the duties of his office.

§ 2. The trustees may make such rules and regulations for the government of the town, not inconsistent with the laws and Constitution, as they may deem necessary and proper, and they shall have power to affix and prescribe such penalties, by fines, for a violation of any of their by-laws or ordinances, not exceeding fifty dollars in each case, as they may deem the good government of the town may require.

§ 3. The trustees shall be a body-corporate, and by the name of the trustees of the town of Benton; may sue and be sued, and may appoint all necessary agents and attorneys in that behalf; they may elect one of their body chairman of the board.

§ 4. That the board of trustees shall have power to provide for the improvement of the public streets, alleys, and sidewalks of said town, and to this end they shall have power to require any owner or owners of a lot or lots to make a gravel or brick sidewalk in front thereof, not less than eight feet wide, and of such grade as they may direct, and in the manner and within such time as said trustees may require; and if, after written notice, such owner or owners shall fail for the period of three months to make such sidewalks, the trustees shall cause the same to be done at the expense of such owner or owners, and shall have a lien upon such lot or lots for the amount of such expense, which may be enforced by action in the Marshall circuit court in the name of the trustees and at the cost of such owner or owners; and when several owners are in default, they may be joined as defendants in one action, and a judgment rendered

severally against each for the amount due from each, with the costs apportioned, as the court may direct. The notice mentioned in this section may be executed on a non-resident by posting the same in writing at the court-house door in Benton for one month.

§ 5. They shall have power to purchase, take, and hold the title to not exceeding twenty acres of land, in or near the town, for a public cemetery. . They shall have the power to improve such ground, and appoint a keeper thereof; to sell small parcels of the ground to individuals for the purpose of interment; to receive and collect subscriptions to aid in purchasing, improving, taking care of, and repairing such ground. •

§ 6. They shall have the power to tax any show or exhibition, and bowling-alleys, within the town, or within a half mile of the limits thereof, any amount not to exceed twenty-five dollars in each case.

§ 7. No stallion or jackass shall stand within the corporate limits of said town, without first being authorized so to do by a license from the trustees thereof, designating the place at which he is to stand; and no person shall show or exhibit a stud, jack, or bull, upon any of the public streets of said town. For a violation of either of the provisions of this section, the keeper and owner of such animals shall be jointly and severally liable to a fine of five dollars for each day, to be recovered by warrant in behalf of the trustees of the town.

§ 8. The board of trustees shall keep a journal of their proceedings, and at the request of a member the ayes and noes on any question shall be recorded. At the next meeting the proceedings shall be read and signed by the member who presided at the last preceding meeting; if he is not present, by the person presiding when they are read. No member shall have a vote on a subject in which he has a private interest. A meeting of the board may be called by the chairman, or by two members; they shall keep an account of all moneys collected and disbursed, showing the amount and for what disbursed. Their books shall at all times be open to the inspection of the citizens of the town.

§ 9. They shall once in each year give a full and correct statement, in writing, signed by the chairman, of all sums collected and all sums disbursed by them the preceding year, and what for, and of all debts due them or owing by them, which shall be posted up for inspection at three of the most public places in town; and for a failure to discharge this duty, each trustee shall be liable to a fine of one hundred dollars, to be recovered by indictment in the circuit court, and paid over to the town treasurer.

§ 10. The said trustees shall have full power and authority to open any street or alley which may be, or shall hereafter be, closed, if, in their opinion, the opening of said alley or street so inclosed will add to the convenience of the citizens of said town.

§ 11. That the trustees of said town shall have power to levy and collect an ad valorem tax upon the real and personal property of said town, not exceeding fifty cents on each one hundred dollars in value in any one year, and a poll-tax on each male over the age of twenty-one years not exceeding two dollars; and they shall appoint an assessor to assess the persons and property in said town liable to taxation; and upon the performance thereof, said trustees shall fix and direct the payment of his compensation.

§ 12. That the qualified voters of the town of Benton shall, and they are hereby, authorized to elect a police judge and town marshal in said town, on the first Saturday in June, 1878, and on the first Saturday in June every two years thereafter. Said judge so elected, before he enters upon the duties of his office, shall take an oath before the judge of the county court or some justice of peace to discharge the duties of his office faithfully and impartially to the best of his ability, and the constitutional oath prescribed for civil officers. Said judge shall have jurisdiction of all misdemeanors, and of all cases, civil, criminal, or penal, in which justices of the peace have jurisdiction within the county of Marshall; and in criminal or penal cases shall have the jurisdiction conferred by law upon two justices of the peace, and shall

proceed as justices are required to proceed in such cases; and shall have full authority to take bail, and to receive recognizances of bail in all cases originating before him in which bail is or may be required; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, and unlawful assemblies; all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; and may impose such fines as he may deem proper, not to exceed the fines and penalties prescribed by the general law for such offenses; and he shall have power to fine each and every person guilty of drunkenness, profane swearing, running horses, firing guns and pistols, and any other riotous or illegal and improper conduct whatever committed within the bounds of said county, in any sum not exceeding five dollars for each offense. He shall have jurisdiction of all offenses arising out of or by virtue of the by-laws and ordinances passed by the board of trustees of said town, and shall enforce the by-laws and ordinances passed by said board in pursuance of law; and he shall do and perform all duties and official acts required of him by the general laws. Upon a drunken person being brought before said judge, he shall have power to order him to be confined in the jail of Marshall county until he becomes duly sober; and upon a disorderly person being brought before him, he may require surety for his good behavior and for keeping the peace for a period not exceeding one year; and on his or her failure to give such security, may commit such person to jail until such surety is given; but in no case shall such confinement exceed thirty days. He shall keep a record of all proceedings in his court, a certified copy of which shall be evidence in all courts of justice in this State. The elections for police judge and town marshal shall be held and conducted by the officers appointed to conduct the election of trustees; and they shall reside within the limits of said town, and hold their offices therein. Before the police judge shall qualify and enter upon the duties of his office, he shall receive a commission from

the Governor, and enter into a covenant before the county court, to be approved by said court, as justices of the peace are now required by the general laws

§ 13. The marshal of said town, before he enters upon the duties of his office, shall execute a covenant in the Marshall county court, with good surety, to be approved by the court, conditioned that he will faithfully discharge the duties of his office according to law. He shall take the oath required by law of a constable; and any person aggrieved by the acts of said marshal may institute suit, on said bond in any court having jurisdiction of the same. Said bond shall be kept in the county court clerk's office as part of its records, and the clerk of said court shall be allowed the same fees as are allowed by law for taking bonds from, and administering oaths to, constables.

§ 14. That it shall be the duty of the town marshal of said town to execute the process issued by the police judge; but in cases of urgency, and when he cannot act, the judge may direct the same to any constable or the sheriff of Marshall county. Said marshal shall also be collector of all taxes levied or imposed by the trustees of said town; and for this purpose shall have all the powers conferred by law upon sheriffs for the collection of the revenue and county levy, and shall be subject to the same penalties, and shall pay all taxes collected by him to the trustees or any person to whom they may direct.

§ 15. The judge shall possess the qualifications of a justice of the peace and the marshal those of a constable; and for malfeasance or misfeasance in office, on the presentment of a grand jury, they may be removed from office, but subject to an appeal to the Court of Appeals; and shall also be liable to impeachment and the penalties arising therefrom. The marshal shall exercise the same powers, and possess the same rights, as a constable; and the police judge shall have the same jurisdiction in civil cases arising in said town as a justice of the peace. They shall be severally entitled to charge and receive the same fees as justices of the peace and

constables are or may hereafter be entitled to receive for like services, and such fees may be collected in the same manner as other officer's fees.

§ 16. Appeals shall be allowed from the judgments of said police court in the same manner as are allowed from those of justices of the peace.

§ 17. When said officers go out of office, they shall hand over to their successors all of their official records and papers, and may demand a receipt for the same: *Provided*, That the marshal shall have the same rights to wind up the business in his hands that is allowed to constables.

§ 18. The said judge shall keep a faithful record of all his official acts, in the same manner and mode as are now required by law of justices of the peace.

§ 19. That should the police judge or town marshal fail to qualify within forty days after his election, the office shall be vacant, and a new election shall be ordered by the trustees, which shall be conducted as other elections provided for in this act. Ten days' notice of such election shall be given by posting written notices at three public places in the town; and a vacancy in either of said offices, from any other cause, shall be filled in the same manner.

§ 20. The police judge and marshal shall be authorized to do any act specially authorized by this act, or by any general law conferring jurisdictions, powers, or duties on police judges and marshals, in addition to the powers and duties hereinbefore named.

§ 21. The board of trustees may extend the streets and alleys within the town limits, and shall have power to contract with the owners of land for such extension, and pay such price as may be agreed upon; and in case no agreement can be made, they may proceed to condemn the same, under the rules and regulations prescribed for the condemnation of land for public roads.

§ 22. That no license shall be granted by the county court of Marshall county to keep a tavern within the corporate limits of the town of Benton, with the priv-

ilege to sell spirituous, vinous, or malt liquors, until the applicant for such license shall first have obtained the consent of the trustees of said town, and shall produce to said court the written permission of the board of trustees of the town. The party or parties obtaining a license to keep a tavern shall, in addition to the tax paid by law, pay to the board of trustees a sum not less than twenty-five nor more than two hundred dollars, to be fixed by the board of trustees. And any person who shall violate any of the provisions of this section shall, for every offense, be liable to pay a fine of fifty dollars, which may be recovered by proceedings in the name of the Commonwealth of Kentucky for the use of the board of trustees for the town of Benton.

§ 23. That the board of trustees for said town shall be authorized to grant coffee-house licenses in said town to any person or persons applying therefor, upon such applicant or applicants paying the said trustees a tax for such license of not less than one hundred and fifty dollars nor more than three hundred dollars, at the option of said trustees; and when such sum as shall be determined upon by said trustees shall be paid to them by any person or persons who desires to open and keep a coffee-house in said town, such persons shall be entitled to a license for that purpose, signed by the chairman of the board, and attested by its clerk, which license shall continue in force for one year from the date thereof: *Provided*, That before any such license shall issue, the person or persons applying for the same shall execute a bond, with good and sufficient security, in the county court of Marshall county, in the penalty of five hundred dollars, conditioned to keep a good and orderly house.

§ 24. The board of trustees of said town shall require all venders of spirituous, vinous, or malt liquors within the corporate limits of said town to pay a tax of not less than one hundred and fifty nor more than three hundred dollars per annum, the tax to be paid to the trustees of said town before commencing the sale thereof; but regularly established druggists, who are engaged in the sale of drugs and medicines, shall be exempt from any of the

provisions of this section, where liquors are sold strictly for medicinal purposes: *Provided further*, That the provisions of this section shall not be so construed as to repeal or conflict with the provisions contained in section twenty-two of this act.

§ 25. That any person who shall vend or sell spirituous, vinous, or malt liquors within the corporate limits of said town, shall be fined not less than ten nor more than fifty dollars for each offense, except those who have license so to do, and druggists named in section twenty-four. The fines imposed for violating any of the provisions of this section shall be recoverable before the police judge of said town, in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees.

§ 26. All fines collected for a violation of the by-laws, rules and regulations, of the town; all fines recovered in any court for violations of the penal laws of the Commonwealth, for offenses committed within the boundary of said town, shall, when collected, be paid to the treasurer of the town, and shall form part of the revenue of the town, and may be applied as revenue derived from the general tax within said town.

§ 27. That said board of trustees shall elect a clerk, who shall continue in office for one year, and until another is elected, whose duty it shall be to preserve and safely keep all papers belonging to or filed with said board, and record all the proceedings thereof in a book to be furnished by said board for that purpose, and shall copy and certify to all records and ordinances that may become necessary, and shall receive such compensation therefor as said board may order.

§ 28. That the trustees shall elect one of their number treasurer of said town; but before he enters upon the duties of his office, he shall execute a bond to the Commonwealth of Kentucky, with good and sufficient sureties, to be approved by the board of trustees, and attested by the clerk thereof, in an amount to be fixed by said trustees, which bond shall be recorded by the clerk in the record-book kept by him; and suit may be brought thereon in any court of competent jurisdiction.

§ 29. That at any time when a tax has been levied by the board of trustees, and an assessment made by the assessor, and there being no town marshal, the trustees shall appoint a tax collector, who, before he enters upon the duties of his office, shall execute to the board of trustees a covenant, with good and sufficient sureties, to be approved by said board of trustees, in an amount to be fixed by the trustees, which bond shall be recorded by the clerk in the record-book kept by him. Said collector shall have all the powers given the town marshal by the provisions of this bill in the collection of taxes, and be subject to all the penalties that said marshal is subject to herein.

§ 30. That it shall be unlawful for any person to set up, exhibit, or keep for himself or another, or procure to be set up, exhibited, or kept, any faro-bank, gaming table, machine or contrivance, used in betting or other game of chance, whereby money or other things are or may be won or lost within the corporate limits of said town; and any person or persons violating any of the provisions of this section shall be fined not less than twenty-five nor more than one hundred dollars for each offense; and any such bank, table, machine, or articles used for carrying on such game, together with all money or other things staked or exhibited to allure persons to bet, shall be seized by the town marshal, with or without a warrant; and upon the conviction or escape, without trial, of the person setting up or keeping the game, such money or things shall be forfeited and paid over to the board of trustees, all except one third, which shall go to the person or officer making the seizure.

§ 31. That it shall be unlawful for any person to bet at cards or any game of chance or hazard within the corporate limits of said town; and any person thus offending shall be fined not exceeding twenty-five dollars for each offense.

§ 32. That whoever shall play at any game of cards or chance, at which money or other things is bet, won, or lost, on the land, or in the house, barn, stable, or out-

house of another, without his or her consent, within the the corporate limits of the town of Benton, or whoever shall play any such game in any public office belonging to the county of Marshall, the court-house, church-house, school-house, seminary, or any other building not his own, within the corporate limits of said town, shall be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not less than ten nor more than thirty days, or both so fined and imprisoned; and any person or persons playing any of the above games in the house of another, without his consent, or the consent of his family, although nothing is bet, shall be fined not exceeding five dollars for each offense.

§ 33. For the purpose of carrying into effect the provisions of this act in regard to gaming, the marshal of said town shall have authority, and is hereby directed, to break any lock or bolt, or other fastenings, for the purpose of entering any house or building in which no one resides, when he has good reasons to believe any such game is being played for money or other thing of value in such house or building: *Provided*, Said marshal shall not break any such house or building without the consent of the owner or controller thereof.

§ 34. That the police judge of said town shall have power, in all cases of fines assessed under this act, to issue a *capias pro fine*, unless same is forthwith replevied, with good and sufficient surety.

§ 35. All other acts and parts of acts in relation to said town are hereby repealed.

§ 36. This act shall take effect from its passage.

Approved March 13, 1878.

CHAPTER 423.

AN ACT to amend the South Covington and Cincinnati Street Railway charter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said company be, and is hereby, authorized and empowered to construct, extend, and operate its line of rail-

way along Fourth street, from Scott street to the Newport and Covington bridge, over the Licking river, and to cross the same on such terms as may be agreed upon by and between said bridge company and this street railway company; also to construct and operate its lines of street railway along such streets in the city of Newport as it may designate, and as may be agreed upon by and between said city and said company, and to extend its lines to and across the Newport and Cincinnati bridge by agreement with said bridge company. The said cities and said bridge companies are fully empowered to make such contracts and agreements with this street railway company.

§ 2. Said company may construct and operate any branch or branches to its main line which may be deemed advantageous, and may change lines, or consolidate them, or change locations of branches, remove tracks to new locations, the right of way being first obtained therefor.

§ 3. In the event of a failure to make an agreement with said bridge companies, or either, for the right of transit across the same with said railway of this company, or to effect an agreement with the proper authorities of either of said cities for the right of way, or with other railway companies for the right to cross, connect with, or use the track, or portions thereof, of such company, in either of said cities, then this company may proceed to condemn said right to said bridge, street, or railway track by proceedings by writ of *ad quod damnum*, as provided in chapter 110 of the General Statutes, entitled "Turnpike, Gravel, and Plank Roads."

§ 4. This act shall be in force and take effect upon and after its passage.

Approved March 13, 1878.

CHAPTER 425.

AN ACT to amend an act, entitled "An act to incorporate the town of Boston Station, Pendleton county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a vacancy occurs by death, resignation, or otherwise, in the office of police judge, marshal, or trustee of the town of Boston Station, a majority of the remaining trustees shall fill the same by appointment.

§ 2. That all fines and forfeitures for the breach of any by-law or ordinance, or other offense committed within the limits of said town within the jurisdiction of the police court thereof, whether tried before the police judge, county judge, or a justice of the peace, shall be for the use and benefit of said town, and shall be paid over to the treasurer thereof, any law to the contrary notwithstanding.

§ 3. That the trustees of said town shall have power to appropriate any and all moneys in the treasury of said town, from whatever source derived, for the purpose of constructing, improving, or repairing streets or sidewalks, or making any other improvement in said town which they may deem proper.

§ 4. That so much of the act to which this is an amendment as is inconsistent herewith is hereby repealed.

§ 5. This act shall take effect and be in force from its passage.

Approved March 14, 1878.

CHAPTER 426.

AN ACT to enable Warren county to retire its outstanding bonded debt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Warren county, a majority of all the justices of the peace of said county being present and concurring, may issue the bonds of said county, not exceeding in amount two hundred thousand dollars, for the purpose of retiring the outstanding eight and ten per cent. bonds of said county.

§ 2. That said bonds shall be of denomination of not less than five hundred, nor more than one thousand dollars, and to run not less than five, and not exceeding twenty years, and redeemable at the option of the county at any time after five years after this date.

§ 3. That said bonds shall bear interest from their date, at the rate of six per cent. per annum, payable semi-annually on first day of January and first day of July of each year, with coupons attached, said bonds to be signed by the county judge and countersigned by the county clerk, under seal of his office, and said coupons to be signed by the county clerk alone; said

bonds and coupons shall be made payable at such bank as the county court, a majority of the justices of the peace concurring, shall, by order, direct.

§ 4. That the county judge, with the concurrence of a majority of the justices of the peace of said county, may appoint a commissioner, who may be either an individual or an incorporated bank, to receive the bonds herein authorized to be issued, and to sell the same; and the proceeds arising from the sales thereof shall be applied to the redemption of the outstanding eight and ten per cent. bonds of said county, and for no other purpose whatsoever; and said commissioner may, if the said county court so direct and order, exchange said bonds authorized to be issued herein for the bonds authorized to be retired, without making an actual sale for money of said bonds.

§ 5. That said commissioner, before entering upon the discharge of his duties, shall execute bond, with security, to be approved by the said county court, conditioned for the faithful performance of his duties, and to pay over to the proper persons entitled thereto any moneys that may come to his hands, and for the safe keeping and preservation of all bonds that may be delivered to him for sale, of all bonds that may be redeemed by him, and for all money that may come to his hands.

§ 6. Said bonds shall be numbered from one up; and the said commissioner shall keep a register in a well-bound book of all the bonds sold or exchanged, giving their number, denomination, to whom sold, and when sold, and for what price sold; after all of said bonds are sold, or so many thereof as is ordered by said county court, and said register is completed, it shall be turned over by the said commissioner to the county clerk of said county, and by him safely preserved.

§ 7. That it shall be the duty of the county court to make the necessary arrangements for the payment of the interest of the bonds authorized to be issued by this act, and for their final payment when due under the now existing law.

§ 8. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 427.

AN ACT to prohibit the sale of ardent spirits in justices' districts Nos. 3 and 6, Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall not be lawful for the county court of Hancock county, or any one, to grant a license to any person to vend ardent spirits or malt liquors in the justices' districts of said county, respectively numbered three and six. It shall be unlawful for any merchant, distiller, druggist, or other person, to vend ardent spirits or malt liquors in quantities less than a barrel, within the limits or jurisdiction of said justices' districts Nos. 3 and 6, of Hancock county, except upon the prescription of a practicing physician for medical purposes.

§ 2. Any person violating any of the provisions of this act, or evading it by any artifices or pretenses whatsoever, shall be fined fifty dollars for the first offense, one hundred dollars for each succeeding offense, on presentment of a grand jury.

§ 3. That all fines assessed and recovered under the provisions of this act, shall inure to the benefit of the common schools, to be pro rated to the several school districts within the limits of said justices' districts, in whole or in part, on the basis of the number of pupil children respectively in said school districts.

§ 4. The judge of the circuit court shall give this act in charge to the grand jury.

Approved March 14, 1878.

CHAPTER 428.

AN ACT to incorporate the Franklinton and Five-mile Creek Turnpike Road Company, in Henry county.

WHEREAS, Burrel Clubb, N. Barton, D. C. Adams, W. E. Clubb, and J. B. McGrue, of Henry county, have gone on, under a misapprehension of the local turnpike law of Henry county, and subscribed and expended sixteen hundred dollars in money, besides their teams and labor, in the erection and macadamizing of two miles and one half and thirty rods of turnpike road without filing articles of incorporation in the county court, as is by law provided, or without any charter;

now, in order that what they have done in good faith may be legalized, and they derive some benefits therefrom,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and created a body-politic and corporate, with powers of perpetual succession, by the name and style of the "Franklinton and Five-mile Creek Turnpike Road Company," of managing and operating a turnpike, which they have already built, with the capital stock of the amount expended of sixteen hundred dollars, with the privilege of increasing same, if they desire to extend their enterprise, to any amount necessary to complete the full length of their road as contemplated; said stock to be divided into shares of fifty dollars, each share of stock entitling the holder to a vote.

§ 2. That the organization as now perfected is legalized by making Burrell Clubb president, N. Barton, D. C. Adams, J. B. McGrue, directors, with W. E. Clubb secretary and treasurer, who shall hold office until the second Saturday in May, 1878, at which time they may hold an election for officers as aforesaid; but they, the present board, are to hold until their successors in office are duly elected and qualified.

§ 3. That the individual property of the incorporators shall be exempt from corporate debts.

§ 4. That said company shall be, and they are, authorized to erect a toll-gate upon the two and one half miles and thirty rods of road already built, and collect tolls thereat at the usual rates per mile in proportion to the distance traveled, as is by statute provided.

§ 5. That said corporation is vested with all the rights and authorities delegated to like corporations by general law, and shall be restricted by same; that is to say, the chapter in General Statutes upon turnpikes and plank and gravel roads, so far as the same is consistent herewith, is made part hereof.

§ 6. That this act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 429.

AN ACT to amend section 28 of an act, entitled "An act to incorporate the Madisonville and Shawneetown Straight Line Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty-eight of an act, entitled "An act to incorporate the Madisonville and Shawneetown Straight Line Railroad Company," approved February 18th, 1870, be amended by striking out the words "shall forfeit his office and," in line eleven of said section.

§ 2. This act shall take effect from its passage.

Approved March 14, 1878.

CHAPTER 431.

AN ACT to charter the Savings Bank of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a bank is hereby established in the town of Russellville, to be called the Savings Bank of Russellville; and by that name shall have all the rights and privileges of a natural person in suing and being sued, answering and defending, in all courts of law and equity.

§ 2. That Wilbur F. Browder, Chas. H. Ryan, Chas. S. Grubbs, Wilbur F. Barclay, and Hugh Barclay, jr., are hereby appointed commissioners; and any three or more of them may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of twenty-five dollars; and when one thousand shares shall have been subscribed, and no less than ten dollars per share paid thereon in cash, the stockholders may meet and elect five directors, who shall serve one year, and until their successors are elected. The directors may elect a president from their number.

§ 3. The president and directors may adopt a seal, and alter it at pleasure; and appoint all necessary officers to conduct the business of said bank.

§ 4. This corporation shall have all the ordinary privileges of the other chartered banks of the State, except they shall not issue paper as a circulating medium.

Commissioners appointed to open books for subscription of stock.

May adopt a seal and appoint all necessary officers

To have all privileges of other chartered banks except issuing notes.

§ 5. The bank may receive money and other valuable things on deposit, and loan out the same; deal in silver, gold, bullion, foreign and domestic exchange, notes, and other evidences of debt, and loan its funds on mortgage and pledges of collateral security.

May receive deposits and loan out same.

§ 6. The bank may receive deposits from minors and married women, or in their names, and the receipts and acquittances of such minors and married women shall be valid; and may hold all necessary real estate for the convenience of their business, or acquired in liquidation of any debts owing to the bank.

May receive deposits from minors and married women.

§ 7. The General Assembly reserves the right to repeal, alter, or modify at pleasure this act.

§ 8. This act to take effect from its passage.

Approved March 14, 1878.

CHAPTER 432.

AN ACT to amend an act, entitled "An act to amend and explain an act, entitled 'An act to incorporate the Green and Barren River Navigation Company,' approved March 9th, 1868," approved March 15th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5 of an act, entitled "An act to amend and explain an act, entitled 'An act to incorporate the Green and Barren River Navigation Company,' approved March 9th, 1868," approved March 15th, 1876, be amended by inserting after the word "bargo" the following: "or rafts of logs or timber of any kind."

§ 2. That section 6 of said act be amended by adding after the word "bargo," whenever it occurs in said section, the following: "or rafts of logs or other timber."

§ 3. This act shall be in effect from and after its passage.

Approved March 14, 1878.

LAWS OF KENTUCKY.

CHAPTER 434.

AN ACT for the benefit of Lewis Stubbs, committee of Josephine Workman, an adjudged pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of Lewis Stubbs, of Green county, for thirty-seven dollars and fifty cents, for keeping and caring for said pauper idiot from January 1st, 1877, to July 1st, 1877, the time for which the said Lewis Stubbs had cared for and provided for said idiot, and at which time a new inquest was held, the said Stubbs keeping and providing for said idiot under the appointment of the said Green criminal court, and believing that the State would pay him for the same.

§ 2. This act to take effect from its passage.

Approved March 14, 1878.

CHAPTER 435.

AN ACT to amend the charter of Vanceburg, approved March 15, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of Vanceburg be amended so that the city attorney, marshal, street commissioner, and assessor shall be elected by the qualified voters of said town at the same time and in the same manner that the mayor and councilmen are elected; and that their term of office shall be [the] same.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

CHAPTER 436.

AN ACT for the benefit of B. W. Penick, committee of Taylor Motley, an adjudged pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer in

favor of B. W. Penick, of Green county, for twenty-eight dollars and seventy-five cents, for keeping and caring for said pauper idiot, Taylor Motley, from May 23d, 1877, to August 23d, 1877, and for expense incurred in the burial and funeral of said idiot, the said amount having been allowed by the Green circuit court at its November term, 1877, though not paid by the Auditor, as a new inquest should have been held, though the said idiot had been cared and provided for by the said committee, he believing and relying upon the State paying him for the same.

§ 2. This act to take effect from its passage.

Approved March 14, 1878.

CHAPTER 437.

AN ACT to incorporate Bergin, Mercer county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Bergin, in Mercer county, be, and the same is hereby, declared a body-corporate and politic, with all the rights, privileges, and duties conferred upon towns by chapter 107 of the General Statutes.

§ 2. That said town may, if they see proper, elect a police judge and town marshal, whose jurisdiction shall be the same as that of magistrates and constables, provided it shall not extend beyond the limits of said town.

§ 3. The term of office of said judge and marshal shall continue two years from the date of their said election.

§ 4. The limits of said town shall be the same as the plats and boundaries of Bergin now of record in the Mercer county clerk's office.

§ 5. This act to take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 438.

AN ACT for the benefit of common school district No. 58, in Greenup county, and to enable the trustees thereof to levy a tax to build a school-house therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustee or trustees for common school district No. 58, in Greenup county, shall have the right and power to cause a tax to be assessed, levied, and collected from the taxpayers residing or owning property in said common school district, not exceeding twenty-five cents upon each one hundred dollars' of property subject to taxation under the revenue laws of this State, situate and being within said school district, each year said tax may be levied; and said tax to continue until the sum of two hundred dollars shall have been assessed and collected as aforesaid, and no longer; which sums, when collected, shall be paid over to the said trustees in trust for the purpose aforesaid; and in case said trustee or trustees shall misappropriate said funds, or any part thereof, he or they, as the case may be, shall be guilty of embezzlement, and punished accordingly.

§ 2. The said trustees shall have the right to list said taxes with any collecting officer of Greenup county, who shall have the same right and power to collect and distrain for said taxes as he would have for county levy or revenue tax, and shall be responsible for the same upon his official bond as for the collection of other county dues.

§ 3. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 439.

AN ACT for the benefit of L. J. Steely, committee of Amy Ann Bryant, a pauper idiot of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer of this Commonwealth for the sum of eighty-seven dollars and fifty cents (\$87 50), payable out of any money in the Treasury not otherwise appropriated, in favor of L. J. Steely, commit-

tee of Amy Ann Bryant, a pauper idiot of Whitley county, for the support and maintenance of said idiot from the 6th day of March, 1876, until the May term, 1877, of the Whitley circuit court, said sum having been allowed to the said committee by said court for the support and maintenance of said idiot for the said period of time, but which the Auditor of Public Accounts has failed and refused to pay by reason of the expiration of the inquest under which the said allowance was made.

§ 2. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 440.

AN ACT for the benefit of John B. Brassfield, late sheriff of Whitley county.

WHEREAS, On the — day of —, 187—, an execution issued from the clerk's office of the Franklin circuit court in favor of the Commonwealth of Kentucky, and against Spencer King, late sheriff of Bell county, and his sureties, for the sum of nine hundred and forty dollars and nine cents, with interest and costs, and same was placed in the hands of John B. Brassfield, who was then sheriff of Whitley county, and was levied by said Brassfield on the landed estate of said King and sureties, and for the lack of bidders on the day of sale, the said execution was returned, with the levy aforesaid indorsed thereon, and a *venditioni exponas* was immediately issued and placed in the hands of said Brassfield for collection, by a sale of the said property levied on; but while said *venditioni exponas* was in full force and effect, and in the hands of said Brassfield for collection, the said King and sureties paid off the full amount of same to the Auditor of Public Accounts, or to the agent of the State; and no commission has ever been paid said Brassfield for his services in making said levy and trying to collect said execution, because there is no provision of law requiring the Auditor to audit and settle such claims; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of said John B. Brassfield, for the sum of

twenty-eight dollars and twenty cents, being three per centum (half commission) of the amount of said execution and *venditioni exponas*, which was paid off while in the hands of said Brassfield.

§ 2. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 442.

AN ACT to authorize the collection of tolls on the New Castle and Port Royal Turnpike Road, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the New Castle and Port Royal Turnpike Road, or any portion thereof, not less in extent than two miles continuously, shall have been built and completed, the company or companies owning said road shall have the right to levy and collect toll for travel thereon, at the same rate per mile as now provided by the General Statutes for roads of five miles or more in length.

§ 2. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 443.

AN ACT for the benefit of Alexander Deaton, late sheriff of Breathitt county, and his sureties on his revenue bond for the year 1875.

WHEREAS, It is represented to this General Assembly that such destitution existed in the county of Breathitt during the year 1875, on account of floods in that year, and a failure of crops in the year 1874, the tax-payers of said county were unable to pay their tax for said year 1875; consequently judgment was rendered against the sheriff of said county, Alexander Deaton, and his sureties on his revenue bond for the revenue due from said county for the year 1875; execution issued thereon, and certain lands of said Deaton and his sureties were sold to satisfy the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the accrued and accruing interest on the said revenue due from Breathitt county for the year 1875 be, and

the same is hereby, remitted and discharged: *Provided*, The principal, cost and expense, of sale due the State on said revenue is fully paid into the Treasury on or before the first day of August, 1878.

§ 2. *Provided*, That the sureties of said sheriff shall appear in open court and enter their consent of record to the stay aforesaid.

§ 3. This act shall be in force from and after its passage.

Approved March 14, 1878.

CHAPTER 445.

AN ACT for the benefit of the Versailles and Anderson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate a company to construct a turnpike road from Versailles, via Christopher's Landing, to intersect the road from Harrodsburg to Frankfort, in a direction to Louisville," approved March 1st, 1836, be, and the same is hereby, so amended as to define the limits of said road at its crossing of the Kentucky river as follows, viz: on the Woodford county side it shall be limited and terminated by the ordinary high-water mark, and on the Anderson county side of the river it shall be limited and terminated by the ordinary high-water mark; and said road company, with their directors, shall not be made or held responsible for the repairing or keeping in order any of that part which lies between the ordinary high-water marks on either side of said river; nor shall it be held liable for any cost or damage which may be sustained in any way on that part so lying between the ordinary high-water marks on each side of said river: *Provided*, That said road company shall not charge toll on, nor exercise any authority over, that part so excluded by this amendment.

§ 2. This act shall take effect from and after its passage.

Approved March 14, 1878.

LAWS OF KENTUCKY.

CHAPTER 446.

AN ACT for the benefit of George W. Sanders, ferry owner at Greenup, Kentucky.

WHEREAS, George W. Sanders is the present owner and keeper of the ferry on both sides of the Ohio river at Greenup, Kentucky, and entitled by law to all the rights and privileges thereof; and whereas, divers persons living in said vicinity keep skiffs and ferry persons and their property across the river at said points other than members of their own family or property of their own, and such custom and habit has become so frequent and common that it has greatly lessened the value of the ferry right and franchise at said place; therefore, to remedy the same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person shall ferry or transport any other person, except members of their own family or things of their own, across the Ohio river at said points, or within one mile thereof, unless the ferry owner and keeper thereat shall neglect or refuse to ferry such person or property when called upon so to do, or shall be absent and cannot do so when desired.

§ 2. That if any person shall ferry or transport any person or thing across the Ohio river at said points, unless as aforesaid, it shall be *prima facie* evidence that the same was done for reward and in violation of this act and the law as now provided in chapter 42 of the General Statutes, and the person so offending shall be subject to such fine or penalty, and convicted as therein provided.

§ 3. This act shall take effect and be in force from its passage.

Approved March 14, 1878.

CHAPTER 447.

AN ACT for the benefit of the Old State Road and Ripple Creek Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Old State Road and Ripple Creek Turnpike Company, of Campbell county, be granted the further time

of ten years from the passage of this act to complete its road, with all the rights, powers, and privileges granted by the original charter and by the amendment thereto, and that all the acts of the said company done since the expiration of the time in which the road by the amendment to the charter was required to be completed be, and the same are hereby, legalized.

§ 2. That this act be in force from its passage.

Approved March 14, 1878..

CHAPTER 449.

AN ACT to amend the charter of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all vacancies now existing, or that may hereafter occur, from any cause, in any of the city offices in said city of Newport, shall be filled by appointment of the board of councilmen until the next general election.

§ 2. This act shall take effect from and after its passage.

Approved March 14, 1878.

CHAPTER 450.

AN ACT to provide for the payment of Company G, Kentucky State Guards, for services rendered.

WHEREAS, Company "G," of the Kentucky State Guard, under orders from the Nelson circuit court, dated November 5th and November 6th, 1874, were employed in guarding the jail of Nelson county, to prevent a mob from forcibly taking from said jail one Henry McElvany, a prisoner confined in said jail under charge of assassination, and said company have never been paid for said services; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seven hundred dollars be, and is hereby, appropriated to pay said company for said services.

§ 2. The Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of said company for said sum, to be paid out of any funds in the Treasury not otherwise appropriated.

§ 3. This act shall take effect from its passage.

Approved March 14, 1878.

CHAPTER 451.

AN ACT for the benefit of J. H. Gates, of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of eighty-five dollars in favor of J. H. Gates, to be paid out of any money in the Treasury not otherwise appropriated, to pay J. H. Gates, sheriff of Daviess county, for arresting John J. Freedman, a fugitive from justice, under a requisition from the Governor of Kentucky upon the Governor of Indiana, the amount being the necessary expenses in making said arrest.

§ 2. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 452.

AN ACT for the benefit of Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of paying the annual indebtedness of Estill county, and to aid in building or repairing turn-pike roads in said county, the county court of said county, at its annual court of claims, are authorized to levy an ad valorem tax of not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county liable to taxation for State revenue, which tax may be levied annually by said court, by a majority vote of the justices composing the same, for the years 1878 and until 1882; and when so levied, the same is to be collected and accounted for by the sheriff of the county in the same manner as other county taxes.

§ 2. That all such taxes heretofore levied by said court for any of the purposes aforesaid are hereby made legal and valid in all respects whatsoever.

§ 3. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 454.

AN ACT to amend an act, entitled "An act to incorporate a company to build a turnpike road from Mount Eden to Shelbyville."

WHEREAS, It is represented to the present General Assembly that the Mount Eden and Shelbyville Turnpike Company have constructed a road from Shelbyville to Mount Eden, and have had the same in operation for some years past, charging and receiving the tolls authorized by the act of incorporation; and whereas, it is further represented that the grade of said road as constructed exceeds, in some few places, and in some small degree, four degrees of elevation, the highest degree allowed by the charter, or by the acts amendatory thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all, or so much of the act incorporating "The Mount Eden and Shelbyville Turnpike Company," and of the act or acts amendatory thereof, as regulates and limits the grade of said road, are hereby repealed.

§ 2. That all of the official acts of said company, prior to the passage of this amendment, not inconsistent with, or repugnant to, the charter as hereby amended, be, and the same are hereby, legalized and validated.

§ 3. That said company are hereby authorized and empowered to continue said road from its present terminus, at or near Mount Eden, to the Anderson county line, at or near Crooked creek, a distance of about three miles, so as to intersect or connect with the turnpike road now being built from Camden, in the said county of Anderson, in the direction of Mount Eden: *Provided, however,* That in the construction and making such extension, and in other respects regarding the same, said company shall be governed by the provisions of the act incorporating said company and the acts amendatory thereof, so far as the same are applicable, and not contrary to the foregoing sections of this act, except that said company shall not be compelled to construct side roads along said extension: *Provided,* That the grade on said extension shall not exceed six degrees.

§ 4. This act shall take effect from and after its passage.

Approved March 15, 1878.

LAWS OF KENTUCKY.

CHAPTER 455.

AN ACT for the benefit of Judge W. L. Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant in favor of Judge W. L. Jackson for the sum of three hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated. This appropriation is in full payment of said Jackson's services as special judge in the cases of H. I. Todd, Lessee, &c., against the State, and the State against H. I. Todd.

§ 2. This act to take effect and be in force from its passage.

Approved March 15, 1878.

CHAPTER 456.

AN ACT for the benefit of Martin Hancock, of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Martin Hancock, a citizen of Trigg county, Kentucky, be, and he is hereby, authorized to peddle goods, wares, &c., in said county of Trigg, for a period of two years from this date, without taking out the license now required by law.

§ 2. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 457.

AN ACT for the benefit of J. M. Lester, of Russell county.

WHEREAS, J. M. Lester, common school commissioner of Russell county, made a mistake in reporting the number of school children in district No. 19, in said county, for the year 1876, not reporting the full number by eighteen; and whereas, J. M. Lester paid out of his own money to J. B. Wells, the teacher in said district, the amount that would have been drawn on eighteen children if reported; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of the State in favor of J. M. Lester,

for the sum of thirty-four dollars and fifty-six cents, to be paid out of the school fund, it being the amount due said J. M. Lester for money which he paid said teacher of district No. 19 for the year 1876.

§ 2. That this act shall take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 458.

AN ACT for the benefit of W. W. Taylor, of Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ninety-six dollars and thirty-two cents be appropriated to W. W. Taylor, of Oldham county, for taxes paid under a misapprehension to the sheriff of Kenton county, the same having been theretofore paid to the sheriff of Oldham county; and that the Auditor of State be authorized to draw his warrant upon the Treasury for said amount in favor of said W. W. Taylor, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 460.

AN ACT for the benefit of Noah Smith, and other sureties of J. M. Basham, late sheriff of Barren county.

WHEREAS, Judgments have been rendered by the Franklin circuit court against J. M. Basham, late sheriff of Barren county, and Noah Smith, W. G. Gossom, James Dopp, N. Basham, W. G. Gossom, jr., J. M. Self, John Ford, and D. F. Smith, his sureties, for twenty-five thousand five hundred and sixty-one dollars and eighty-three cents, being a part of the revenue collected by J. M. Basham, for the years 1873 and 1874, which he failed to pay into the Treasury of the State of Kentucky, as he was required to do by law; and whereas, executions issued on said judgments and were levied on all the property, both real and personal, of all of the above named sureties on the revenue bonds of said Basham, and the proceeds of the sale amounted to sixteen thousand six hund-

red and forty-six dollars and thirty-eight cents, which satisfied the principal, interest, and cost of judgment for the year 1873, and leaving two hundred and eight dollars and fifty cents to be paid on amount due for the year 1874; and whereas, J. M. Self and D. F. Smith have filed their petitions in bankruptcy, and one of them has already obtained his discharge; and whereas, all the sureties on said bonds have been reduced to insolvency by reason of the judgments aforesaid, and a large number of suits and judgments rendered in the Barren county and circuit courts against said sureties, for said Basham's failure to comply with the conditions of his bonds for the collection of the county levy and civil suits for debt, and they are now entirely unable to pay the balance of the judgment on his revenue bond for the year 1874; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Noah Smith, and all of the other sureties of J. M. Basham, late sheriff of Barren county, be, and they are hereby, released from any further liability under the judgments rendered by the Franklin circuit court upon the bond executed by J. M. Basham, late sheriff of Barren county, for the collection of the revenue for the year 1874.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

CHAPTER 461.

AN ACT to amend an act, entitled "An act to incorporate the Clear Creek, now Shelbyville and Eminence, Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Clear Creek Turnpike Road Company, of Shelby county," approved March 7th, 1850, and the act amendatory thereof, approved March 10th, 1856, by which the name of said company was changed to the Shelbyville and Eminence Turnpike Road Company, be amended as follows, to-wit: so much of said original act as allows persons to pass the toll-gates of said road to and from mill, with grain, free of toll, be, and the same is hereby, repealed: *Provided*, That persons on horseback pass-

ing said gate or gates, to and from mill, with grain, shall not be charged toll: *And provided further*, That in no case shall the rates of toll charged by said corporation exceed those now provided by the general laws of this Commonwealth.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 462.

AN ACT for the benefit of J. N. Thompson, committee for A. J. Ford, pauper idiot of Metcalfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury in favor of J. N. Thompson, committee for A. J. Ford, pauper idiot of Metcalfe county, for the sum of ninety-five dollars and eighty-three cents, out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 463.

AN ACT for the benefit of James B. Evans, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of James B. Evans, for the sum of forty-three dollars, and pay the same to him or his authorized agent out of any moneys therein not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 15, 1878.

CHAPTER 464.

AN ACT to provide for working dirt roads in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Woodford county be, and it is hereby, authorized and empowered, upon the petition of a majority of the legal voters in any road precinct in said county, to levy and cause to be collected a tax not exceeding twenty cents on each one hundred dollars' worth of taxable property in such precinct, to be used exclusively for the purpose of keeping the public dirt roads in same in good repair, as required by law; but before said court shall receive and act on any such petition, written notice showing when and by whom said petition will be presented must be posted at five or more public places in said precinct at least ten days before the petition is presented to the court.

§ 2. When said tax is levied by said county court, the clerk thereof shall immediately certify the fact to the constable of the district to which said tax applies, or in which the greater part of said road lies; and is hereby made the duty of such constable, within three months after receiving a certificate of the amount to be collected, to collect said tax and pay the same over to the surveyor of the road precinct. He shall have the same power in the collection of said tax that sheriffs have to collect revenue, except he shall not sell land, and shall be liable to the same pains and penalties, to be recovered in the same manner, that sheriffs are, and shall receive the same compensation for his services that sheriffs receive for the collections of the revenue.

§ 3. The surveyor in each of the road precincts in said county shall enter into covenant, with good and sufficient security, to be approved by the judge of said county, for the faithful performance of his duty and the honest disbursement of any and all moneys that may come to his hands under the provisions of this act.

§ 4. The surveyor of such road precinct shall, after the clerk's fees incident to the levy of said tax, use the remainder exclusively on the road in his precinct; and he shall, at the court of claims of each year, make, and verify by his affidavit, a report, in writing, showing the amount of money paid to him on tax collected as provided by this act, and how

same has been used, and what amount remains in his hands unexpended. He shall also present his receipts for money paid out by him, which receipts, and the said surveyor's report, shall be carefully filed and preserved in the county court clerk's office of said county, and shall at all times be open to the inspection of any one interested therein.

§ 5. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 465.

AN ACT to empower the county court of Pendleton county to make subscriptions to the capital stock of turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of the county of Pendleton, a majority of the justices of the peace of said county being present and concurring, be, and is hereby, authorized and empowered to subscribe stock for and on behalf of said county, to all turnpike road companies which have been or shall hereafter be incorporated by said county court or by the Legislature of the State: *Provided*, That said subscription shall not exceed five hundred dollars for each mile of road within said county.

§ 2. Said county court, a majority of the justices of the peace of the county being present and concurring, shall have power to levy a tax upon all the property in said county subject to taxation for revenue purposes, sufficient for the purpose of paying said subscription of stock, which levy shall in no year exceed the sum of twenty-five cents on each hundred dollars of taxable property in said county; said tax to be collected in the same manner, and by the same officers, under the same liabilities and penalties, that the revenue tax is now collected.

§ 3. That the county court shall not levy the tax and direct its collection until the company or companies wishing to avail themselves of the benefit of the county subscription shall present to the same a record, showing that there has been chosen and sworn in a president and board of directors, as required by their several charters, a survey of the road or

CHAPTER 464.

AN ACT to provide for working dirt roads in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Woodford county be, and it is hereby, authorized and empowered, upon the petition of a majority of the legal voters in any road precinct in said county, to levy and cause to be collected a tax not exceeding twenty cents on each one hundred dollars' worth of taxable property in such precinct, to be used exclusively for the purpose of keeping the public dirt roads in same in good repair, as required by law; but before said court shall receive and act on any such petition, written notice showing when and by whom said petition will be presented must be posted at five or more public places in said precinct at least ten days before the petition is presented to the court.

§ 2. When said tax is levied by said county court, the clerk thereof shall immediately certify the fact to the constable of the district to which said tax applies, or in which the greater part of said road lies; and is hereby made the duty of such constable, within three months after receiving a certificate of the amount to be collected, to collect said tax and pay the same over to the surveyor of the road precinct. He shall have the same power in the collection of said tax that sheriffs have to collect revenue, except he shall not sell land, and shall be liable to the same pains and penalties, to be recovered in the same manner, that sheriffs are, and shall receive the same compensation for his services that sheriffs receive for the collections of the revenue.

§ 3. The surveyor in each of the road precincts in said county shall enter into covenant, with good and sufficient security, to be approved by the judge of said county, for the faithful performance of his duty and the honest disbursement of any and all moneys that may come to his hands under the provisions of this act.

§ 4. The surveyor of such road precinct shall, after the clerk's fees incident to the levy of said tax, use the remainder exclusively on the road in his precinct; and he shall, at the court of claims of each year, make, and verify by his affidavit, a report, in writing, showing the amount of money paid to him on tax collected as provided by this act, and how

same has been used, and what amount remains in his hands unexpended. He shall also present his receipts for money paid out by him, which receipts, and the said surveyor's report, shall be carefully filed and preserved in the county court clerk's office of said county, and shall at all times be open to the inspection of any one interested therein.

§ 5. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 465.

AN ACT to empower the county court of Pendleton county to make subscriptions to the capital stock of turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of the county of Pendleton, a majority of the justices of the peace of said county being present and concurring, be, and is hereby, authorized and empowered to subscribe stock for and on behalf of said county, to all turnpike road companies which have been or shall hereafter be incorporated by said county court or by the Legislature of the State: *Provided*, That said subscription shall not exceed five hundred dollars for each mile of road within said county.

§ 2. Said county court, a majority of the justices of the peace of the county being present and concurring, shall have power to levy a tax upon all the property in said county subject to taxation for revenue purposes, sufficient for the purpose of paying said subscription of stock, which levy shall in no year exceed the sum of twenty-five cents on each hundred dollars of taxable property in said county; said tax to be collected in the same manner, and by the same officers, under the same liabilities and penalties, that the revenue tax is now collected.

§ 3. That the county court shall not levy the tax and direct its collection until the company or companies wishing to avail themselves of the benefit of the county subscription shall present to the same a record, showing that there has been chosen and sworn in a president and board of directors, as required by their several charters, a survey of the road or

roads made out by a competent engineer, with the estimated cost of each section and part of a section, and their books containing subscriptions sufficient, when added to the county subscription, to make each mile of said road or roads to which such county subscriptions apply.

§ 4. The amount of subscription per mile, made under the provisions of this act, to the capital stock of any company, shall be paid to the officers of such company on the completion of each mile of road.

§ 5. Dividends arising from stock subscribed under authority of this act shall be applied in aid of the county levy.

§ 6. Before said county court shall subscribe stock or exercise any of the powers herein contemplated, the question shall be submitted to the qualified voters of said county whether or not they are in favor of empowering said court to subscribe to the capital stock of turnpike roads constructed within said county, at an election to be held at each of the voting places therein, on the first Saturday in April, 1878; and if the affirmative of said proposition shall receive a majority of the votes cast, the said court shall be authorized to exercise the powers conferred by this act.

§ 7. It shall be the duty of the sheriff of said county to open a poll at each of the voting places in said county, as provided for in the sixth section of this act; and said election shall be conducted, and the returns thereof made and canvassed, and the result declared in the same manner and by the same officers as in elections of county officers. The sheriff shall give ten days' notice of the time and object of said election by printed notices posted in at least two public places in the neighborhood of each voting place, and by at least two insertions in a newspaper published in said county.

§ 8. Said county court shall cause the result of said election to be entered on its order-book, and provide for the payment of the expense of the same.

§ 9. Said court may, by an order duly entered on its order-book, again submit said question to the qualified voters of said county; but it shall not be submitted oftener than every two years.

§ 10. This act shall be in force from its passage.

Approved March 15, 1878.

CHAPTER 466.

AN ACT for the benefit of Union and Henderson counties, amending and reducing into one the acts relating to roads in said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The county judge of the Union county court shall divide all of the roads in said county into precincts, and, as often as may be necessary, appoint a surveyor in each precinct, whose duty it shall be to superintend the road therein, and see that the same is worked and kept in such repair as the agreement of the contractor thereon with the county court requires. No surveyor shall be allowed, unless by consent of the court, to resign such place under two years, except he remove from the precinct. Any surveyor may be removed at any time by said court.

§ 2. The clerk of the county court shall, within ten days after the appointment of a surveyor of a road, deliver a copy of the order to the sheriff of the county, containing a full and complete description of the precinct, and take his receipt therefor. The sheriff, within fifteen days thereafter, shall deliver a copy of the order, and a description of the precinct, to the surveyor, and to return the original to the clerk's office of the Union county court, with the time of the service indorsed, which shall be evidence of the facts stated therein. The clerk shall post up in his office, once in every year, a list of the names of all of the surveyors in the county, designating the precinct of each surveyor. The clerk or sheriff failing to perform the duties prescribed in this section shall be fined two dollars and a half for each neglect.

§ 3. Each surveyor of a public road shall be furnished with a copy of the contract for the working of the road in his precinct. He shall report to the county judge any failure upon the part of the contractor thereon. He shall certify to the county judge when the contract has been properly complied with. He shall be exempt from jury service, and from poll-tax for road purposes, only during his continuance in said office. For a failure to discharge any of his duties prescribed by this act, said surveyor shall be fined therefor not less than five nor more than fifteen dollars for each offense, to be recovered by warrant in the name of the Commonwealth of Ken-

tucky; and the quarterly court shall have exclusive jurisdiction of all proceedings against surveyors of roads.

§ 4. The county judge shall, at the court-house door in Morganfield, on the first Monday in April in each year (and such other times as he shall find necessary), let out the working and keeping in repair the public roads in Union county to the lowest and best bidder, for such length of time as he may choose (not exceeding his own term of office), after due advertisement of two insertions in the county paper, if one be published, and by a printed notice posted up for at least fifteen days before such letting at the voting place in each voting precinct in the county: *Provided*, That the fund raised by the levy court under this act shall be sufficient to work all of the public roads in said county; and if not sufficient, then it shall be used at such places and for such roads as the county court may think best, having due regard to the public good and the wants of the different parts of the county.

§ 5. Each contractor shall execute to the Commonwealth a bond, with good security, to be approved by the county judge, in double the amount he is to receive for his contract for the faithful performance of the said contract; and said bonds shall be filed at the next regular term of the Union county court after the letting, which shall be noted of record, and the bonds kept on file by the clerk of the court in his office, in bundles, marked "contractors' bonds;" and certified copies of said bonds shall be competent as evidence; and the county judge shall deliver to each surveyor a copy of the bond of the contractor on the road in the surveyor's precinct. Any contractor who shall fail, in whole or in part, to complete his contract within the time and in the manner prescribed therein, or who, having contracted to keep any part of the public roads in good order for traveling or hauling, or any bridge or culvert in good repair, and who shall fail to do so, shall, for every failure, be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten nor more than one hundred dollars.

§ 6. All fines assessed under this act shall be collected as other fines, and shall inure to the benefit of the road fund of Union county, and shall be paid out by the sheriff under the orders of the county judge.

§ 7. The county judge shall provide work on the roads of the county, or on the streets of towns, for such persons

convicted of penal offenses as may, by order of the proper authority, be required to work on roads or streets, or to work out fines assessed against them on the roads or streets under the provisions of general or special laws, and may, when necessary, put a ball and chain upon any such persons to prevent their escape; and if necessary, may employ some suitable person to oversee and guard them while at work.

§ 8. The county judge shall let out the construction or repairing of the bridges in Union county not included in the agreement of any contractor, or the levy court may, in their discretion, appoint a special commissioner to let out any bridge or bridges, and provide for his compensation therefor; and such county judge or special commissioner shall be held liable for any failure in regard to any bridge so let by them, respectively; and the court may require bond with surety from the special commissioner.

§ 9. That all delinquent capitation tax-payers of Union county shall be required to work out their taxes at such times on the roads in their several precincts as the surveyor thereof may require, for which work such delinquents shall have credit at the rate of one dollar for each full day's work performed by him. For failing or refusing to comply with the orders of said surveyors when notified, all such delinquents are made liable to the penalties now imposed by law for persons failing or refusing to work on roads. The several surveyors are authorized and empowered to collect the taxes due from such delinquents in their several precincts, if they shall elect to pay the same rather than work on the roads; and the same shall be held and applied as a part of the road fund, and reported and paid over by said surveyor to the county judge, taking and filing with the county clerk his receipt therefor; and said clerk shall give to said surveyor a certified copy of said receipt, which shall have the same effect in his hands as the original.

§ 10. The county court of Union county may open roads, not exceeding sixty feet in width, or may increase the width of established roads to sixty feet, anything in the general laws to the contrary notwithstanding.

§ 11. That the courts of the justices of the peace in and for Union county shall have jurisdiction concurrent with the quarterly court of all proceedings against road contractors under this act; and it shall be the duty of any justice or the

county judge, upon his own knowledge, or upon complaint of any surveyor, or upon the information under oath of any citizen that any part of the public road is out of repair, to issue his warrant against the delinquent contractor, returnable to his own or some other justices' court, or to the Union quarterly court; and upon the execution and return thereof, such proceedings shall be had as are had in other Commonwealth cases. In proceedings under this act, the defendant shall have no right to claim his district, and both the Commonwealth and defendant shall have the right of appeal from justices' courts to the quarterly court, and from the quarterly court to the circuit court.

§ 12. It shall be the duty of the county attorney to prosecute all warrants under this act, and for such prosecutions he shall receive twenty-five per cent. of the fines recovered; and upon his failure, the court may appoint some attorney in his stead, who shall receive said commission for his services. All fines assessed under this act shall be collected as other fines, and shall inure to the benefit of the road fund of Union county, and shall be paid out by the sheriff under orders of the county judge.

§ 13. It shall be unlawful for the county judge, county attorney, sheriff, collector of the revenue, or any surveyor, to become, directly or indirectly, interested in any contract for working roads or building or repairing bridges; and it shall be unlawful for either of said officers to buy or become interested in any claim growing out of said work or contract. For a violation of this section, either of said officers shall be guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than fifty nor more than five hundred dollars. This section shall be given in charge to the grand jury by the judge of the Union circuit court.

§ 14. Any person who shall willfully or negligently injure, destroy, or obstruct any of the said public roads or bridges, or any of the culverts or ditches on said roads, he shall be fined not less than five nor more than twenty-five dollars, to be recovered in like manner as the fines prescribed herein for surveyors, and shall also be liable in double damages to the county, or any person aggrieved or injured, to be recovered in any court having jurisdiction of the amount. It shall be the duty of the surveyors to report promptly to the county judge any violation of this section.

§ 15. The county court, a majority of the justices agreeing, shall, on some regular county court day, assess a tax of not more than fifteen cents on each one hundred dollars' worth of property assessed for revenue purposes, and a capitation tax not exceeding two dollars on each person in said county required by the general law to work on roads. That in Henderson county a tax of ten cents, instead of fifteen cents, shall be assessed. That the per capitation tax of two dollars for bridge purposes shall not be collected in Henderson county.

§ 16. The ad valorem and capitation tax provided for in section fifteen of this act shall be collected as other revenue due the county is collected, and under the same obligations by the collecting officer, and shall be paid out by said collecting officer to road and bridge contractors, on the order of the judge of the Union county court. The said court, at the same time, shall assess a further capitation tax, not exceeding two dollars on each person, which shall be collected in same manner and under same obligations as road tax herein provided, which shall be paid out by the said collecting officer, on the order of the county judge, for the construction and repairing of bridges in Union county; and said officer shall take and produce, at his annual settlement with the county, the order under which the money was paid; and a certificate of the contractor (indorse "approved" by the county judge) setting forth the work, materials, &c., used in the construction or repair of any bridge designated by name or locality, as fixed by the road on which said bridge is erected; and unless the order is accompanied by the certificate aforesaid, said officer shall not be allowed in his settlement the amount paid.

§ 17. Chapter ninety-four of the General Statutes is hereby adopted and made part of this act, except when it comes in conflict with the provisions of this act; and all other road laws passed for Union county are hereby repealed.

§ 18. This act shall take effect and be in force from and after the 1st day of April, 1879.

§ 19. That this act shall apply to the county of Henderson, but shall not be enforced therein unless a majority of the justices in commission, at the first meeting of the court of claims after its passage, approve the same; and wherever Union county or Union county court, or judge of the Union county court, appears in said act, there shall be added Henderson county, Henderson county court, or judge of the Hen-

derson county court, and by striking out the word "Morganfield," in section 4.

Approved March 15, 1878.

CHAPTER 467.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter of the town of Hartford, in Ohio county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 7 of article 4, chapter 251, entitled "An act to amend and reduce into one the several acts relating to the charter of the town of Hartford, in Ohio county," approved February 26th, 1878, be, and the same is hereby, repealed.

§ 2. That so much of said act as makes it the duty of the trustees of said town of Hartford to provide for the poor of said town, is hereby repealed.

§ 3. That so much of said act as gives the police judge of said town concurrent jurisdiction with the judge of the Ohio quarterly court in civil cases be, and the same is hereby, repealed, and the civil jurisdiction of said police judge shall be as it existed previous to the passage of said act, approved February 26th, 1878.

§ 4. This act shall take effect from its passage.

Approved April 10, 1878.

CHAPTER 468.

AN ACT to legalize the action of the Wolfe county court at its October terms 1875 and 1876.

WHEREAS, At the October terms of the Wolfe county court, 1875 and 1876, the presiding judge and a majority of the justices of said county sitting, it was ordered by said court that a special tax for the building and repairs of the court-house and other county indebtedness be fixed at twenty-five cents on each one hundred dollars' worth of taxable property in said county, and the sheriff was ordered to collect the same, and did collect and pay over said special tax; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said orders of the Wolfe county court, made at its October term, 1875 and 1876, for the purpose of levying a tax upon the taxable property of the county, to pay for the building and repairs of the court-house of said county, and for paying other county indebtedness, and all acts done in pursuance thereof, be, and the same is hereby, legalized and declared valid.

§ 2. This act shall take effect and be in force from its passage.

Approved March 15, 1878.

CHAPTER 469.

AN ACT for the benefit of J. P. Webb, late sheriff of Grant county.

WHEREAS, Judgment was rendered in the Franklin circuit court at its June term, 1877, in favor of the Commonwealth of Kentucky against J. P. Webb, late sheriff of Grant county, and his sureties, J. H. Webb, T. M. Combs, W. F. Webb, and J. F. Sheriff, for the sum of nine thousand five hundred and thirty-seven dollars and fifteen cents (\$9,537 15), with interest at ten per cent. per annum from April 1st, 1877, a revenue for 1876; and whereas, all of said judgment has been paid except three thousand seven hundred and eighty-nine dollars and ninety-four cents (\$3,789 94); and whereas, the default of said sheriff was occasioned by the protracted illness of himself and wife, and finally the loss, by death, of his wife; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said J. P. Webb and his said sureties be given the further time until the first day of October, 1878, to pay the balance of said judgment into the Treasury: *Provided*, That the said sureties of said sheriff shall all appear in the Grant county court and consent of record to such extension of time.

§ 2. This act shall take effect and be in force from its passage.

Approved March 15, 1878.

LAWS OF KENTUCKY.

CHAPTER 470.

AN ACT to amend an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church," approved February 1st, 1842.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church," approved February 1st, 1842, be, and the same is hereby, amended as follows: That said trustees are hereby empowered to sell and convey, by deed, any real estate they now hold, or may hereafter acquire, and to reinvest the proceeds thereof in other real estate for the benefit of said church, as provided in section 2 of said act.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 471.

AN ACT for the benefit of Jas. W. Smith, sheriff of Woodford county.

WHEREAS, The judge of the circuit court of Woodford county did, at the last term of said court, direct the said Smith, sheriff as aforesaid, to furnish transportation, &c., to a jury trying the case of the Commonwealth of Kentucky vs. M. Parker, indicted for murder, from the court-house to the place of the alleged murder; and whereas, the said Smith did promise such transportation, &c., and pay therefor the sum of forty-two (\$42) dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of James W. Smith, sheriff of Woodford county, for the sum of forty-two (\$42) dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 472.

AN ACT to empower the county court of Boyle county to levy an ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyle county be, and said court is hereby, authorized to levy annually, for five consecutive years, an ad valorem tax of not exceeding five cents on each one hundred dollars' worth of taxable property subject to taxation for county purposes, to be so applied as to enable said county to pay off any of its existing indebtedness, and to hereafter meet and discharge the just demands against it.

§ 2. The levy and collection of taxes under this act shall begin after the expiration of the three years for which the levy of a tax was provided by an act approved March 8th, 1876.

§ 3. This act shall take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 473.

AN ACT to incorporate Clark's River Lodge, No. 288, of Patrons of Husbandry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present officers, and their successors and their associates, be, and they are hereby, created a body-corporate, by the name and style of Clark's River Grange, No. 288, Patrons of Husbandry; and they and their associates and successors shall so continue, and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government; and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Patrons of Husbandry,

Name and style.

Corporate powers.

nor in contravention of the Constitution and laws of the United States or of this State.

May acquire and hold real and personal estate.

§ 2. That said corporation shall have power and authority to acquire and hold real or personal estate, not exceeding twenty thousand dollars in value at one time, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

Right reserved by General Assembly.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act; no private property of any member shall be responsible for the corporate debts.

§ 4. This act to take effect from its passage.

Approved March 15, 1878.

CHAPTER 474.

AN ACT allowing any constable in the city of Covington to appoint one deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That any constable of the city of Covington is hereby authorized, by and with the approval of the county court, to appoint one deputy, who, before he enters upon the duties of his office, shall execute bond before said court, and take the oath now required to be taken by constables.

§ 2. Such deputy shall have all the powers of his principal, and be bound to do and perform all things which, under the law, constables are now required to do; and for all damage sustained by any one in consequence of the misfeasance, malfeasance, or nonfeasance of said deputy, he or they shall have right of action and recovery against said deputy and his principal and their respective sureties. Said deputy and his sureties shall be responsible to his principal for any sum paid by said principal for the misfeasance, malfeasance, or nonfeasance of said deputy.

Approved March 15, 1878.

CHAPTER 475.

AN ACT relating to the sale of spirituous liquors to minors in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That if any person over sixteen and under twenty-one years of age, shall purchase or procure any spirituous, vinous, or malt liquors, or a mixture of either, from any tavern or saloon-keeper, or any other licensed vendor of the same, by falsely representing that he or they are of twenty-one years of age or over, and without the legal authority from their father or guardian to do so, such minor shall be deemed guilty of a misdemeanor, and liable to a fine of not exceeding fifty dollars for each offense, recoverable either by indictment of the grand jury or by warrant before any magistrate of the county having jurisdiction.

§ 2. This act shall only apply to Campbell county, and shall be in force from its passage.

Approved March 15, 1878.

CHAPTER 476.

AN ACT to authorize the sale of the old circuit and county court clerks' offices, and the land upon which the same are located, in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Wayne county be, and he is hereby, authorized to sell and convey the old circuit and county court clerks' offices, and the lands owned by said county upon which said offices are located, as provided in the next section of this act.

§ 2. That said county judge shall sell the said offices and lands, by public outcry, to the highest and best bidder, on the first day of a circuit or county court, at the front door of the new court house of said county; the purchaser shall give bond, with good security, payable to said county judge, for the use of the county; and a lien shall be retained in the bond upon said property for the payment of the same, and upon which bond execution may issue by the circuit court clerk of said county, upon the request of the county judge or county attorney, after the maturity of said bond; and said

bond, when taken, shall be lodged with and filed by the circuit court clerk of said county for safe-keeping. Said commissioner shall make the sale on a credit of six months; and before he proceeds to make the sale, he shall advertise the time, place, and terms of sale, for twenty days before he proceeds to sell the said property.

§ 3. That it shall be lawful for the Wayne county court of claims, by order on the records of said court, to apply the proceeds arising from the sale of said property to the payment and liquidation of the debt created in the construction of the new court-house of Wayne county.

§ 4. That this act shall take effect from its passage.

Approved March 15, 1878.

CHAPTER 477.

AN ACT for the benefit of common school district No. 42, in Bath county.

WHEREAS, By some mistake or oversight of the trustee of common school district No. 42, in Bath county, six children were omitted from the census report of pupil children for the year ending June 30, 1877, there being fifty-seven reported when there should have been sixty-three reported; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ten dollars and two cents be appropriated to said district for the benefit of the teacher therein, to be paid from the interest accruing from the Bath county surplus bond; and when the commissioner shall draw his draft for the same, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant in favor of W. H. Daugherty, commissioner of Bath county, to be paid by him to the teacher of district No. 42, in Bath county, for said year.

§ 2. This act shall take effect from its passage.

Approved March 15 1878.

CHAPTER 478.

AN ACT for the benefit of Nancy Hammons, committee for Benj. Hammons, pauper idiot of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of seventy-five dollars be, and the same is hereby, appropriated for the purpose of paying for keeping Ben. Hammons, a pauper idiot, from the first day of September, 1875, to the first day of September, 1876, an interregnum of one year, as shown by the proof; and the Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer for that amount in favor of Nancy Hammons.

§ 2. That this act take effect from and after its passage.

Approved March 15, 1878.

CHAPTER 479.

AN ACT amending the charter incorporating the Elizaville Station and Mayslick Turnpike Road Company, in Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act incorporating the Elizaville Station and Mayslick Turnpike Road Company, in the county of Fleming, approved 23d February, 1874, be, and the same is, so amended as to allow the receiver of tolls on said road to collect tolls from all persons using the same at the same rate they now charge in proportion to the distance he or they use the same, at the same rates charged others, whether they pass through the gate or gates now on said road or not.

§ 2. The same penalties may be enforced against offenders of this law that are now enforceable against those refusing to pay when passing through the regular gates on said road.

§ 3. This act shall be in force from and after its passage.

Approved March 15, 1878.

the date of his appointment; and thereupon the board of trustees shall furnish to the collector of said town a true list of the property assessed, with the names of the respective owners, agents or attorneys, which list shall be certified by the clerk of the board of trustees, with the tax due from each property-holder under the assessment.

Collector to collect and pay over to treasurer.

§ 8. The collector shall thereupon, within ninety days from the delivery to him of the tax-list, as provided in the preceding section, proceed to collect and pay over to the treasurer of the board of trustees the taxes so levied and assessed; and the collector may distrain or garnishee for such taxes as sheriffs are authorized to do under existing law; but he shall be liable for any illegal distraint to the same extent that sheriffs are; but all warrants or garnishments shall issue in the name of the trustees of Rosine.

Town marshal to be elected.

§ 9. The trustees of said town may elect a town marshal, who shall possess the same qualifications as a trustee, who shall hold his office of town marshal till the first election held under this act, and until his successor is elected and qualified.

Duty of town marshal.

§ 10. The town marshal of said town shall be *ex officio* collector of the town tax; but before he enters upon the discharge of his official duties, he shall take the constitutional oath, and execute bond before the county court of Ohio county, as constables are now required to do, and said marshal shall have the same power that constables now have, and shall have the same fees and commissions, and for collecting the town tax he shall have ten per cent. on the first three hundred dollars and five per cent. on all in excess of that sum; and said marshal may execute process in any part of Ohio county the same as a constable.

Police judge and his jurisdiction, &c.

§ 11. There shall be a police judge of said town, whose qualifications shall be the same as those of a trustee, who shall qualify by taking the oath of office and giving bond before the Ohio county court, before entering upon his official duties, and who shall have exclusive jurisdiction of all cases or warrants for a violation of the ordinances of said town, and who shall have in all other respects the

same power, authority, and jurisdiction in civil, penal, and criminal matters as justices of the peace now have; and said police judge shall keep all the record-books now required to be kept by justices of the peace, and shall make his orders and entries therein in the same manner that justices of the peace are now required to do; and his court shall be a court of record, and copies of the orders of said court, attested by the judge thereof, shall be receivable in evidence in any court in this Commonwealth.

§ 12. Said police judge shall have a rule day for the trial and determination of civil causes once every three months, which rule days shall be fixed by him, and entered of record in the order-book of said court at the beginning of each year; and he may continue his court from day to day till his docket is disposed of, and may open his court to try offenders against the penal laws at any time.

To have a rule day for trial of civil causes.

§ 13. The first election under this act for town officers for said town shall be held the first Saturday in May, 1878, and on the same day of the month biennially thereafter, by officers of election appointed by the trustees of said town for the time being, which officers of election shall consist of a sheriff, judge, and clerk, all of whom shall be electors of said town, at which elections there shall be elected a police judge, town marshal, and five trustees, all of whom shall be of the age of twenty-one years and citizens of said town; and the officers of election shall certify the result of election, so far as the offices of police judge and town marshal may be concerned, to the Ohio county court, the clerk whereof shall file said certificate among the archives of his office, and furnish a copy thereof to the Governor.

When first election under this act to take place.

§ 14. The trustees herein named may elect a marshal and police judge for said town, to serve till the first election herein provided for. Said trustees shall take the oath of office before entering upon their duties.

Trustees may elect a marshal and police judge to serve till first election.

§ 15. This act shall be in force from its passage.

Approved March 16, 1878.

CHAPTER 481.

[AN AOT to incorporate the Columbus Manufacturing Company.

WHEREAS, Divers persons have organized an association, under the name of the Columbus, Kentucky, Manufacturing Company; and under such organization and association have purchased ground, machinery, and elected Wm. Guest, Wm. Heron, Thos. Sproat, T. M. Horn, Geo. Watson, M. M. Miller, and J. M. Brummal directors of said company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said W. Guest, William Heron, Thomas Sproat, T. M. Horn, George Watson, M. M. Miller, and J. M. Brummal, and their associates, successors, and assignees, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of the Columbus, Kentucky, Manufacturing Company; and is hereby invested with full powers to sue and be sued, plead and be impleaded; form a constitution and by-laws; devise and use a common seal; and do all acts necessary to carry out the purposes and objects of this incorporation, not incompatible with the Constitution and laws of this State or the United States.

§ 2. The said company shall have power, and is hereby authorized and empowered, to purchase lots in the city of Columbus, upon which to erect their buildings, and to furnish said shops or buildings with all necessary machinery and appurtenances for the manufacture of wood in shape—spokes, felloes, and agricultural implements, &c.

§ 3. The capital stock of said company shall not be less than three thousand dollars, divided into shares of twenty-five dollars each, but may be increased to any sum, not exceeding twenty-five thousand dollars, authorized by the by laws of the company.

§ 4. The officers heretofore elected by said company shall continue in office until the first Saturday in January, 1879; and all contracts which has or may be made by them in the conducting of said business, and in the purchase of lots, machinery, &c., are hereby ratified

Corporators.

Name and style.

Corporate powers.

May purchase lots upon which to erect buildings

Capital stock.

Officers heretofore elected to continue in office until first Saturday in January, 1879.

and confirmed; and said property shall be for the sole use and benefit of said company as if said company had been incorporated at the time of doing said acts.

§ 5. On the first Saturday of each January hereafter the share-holders of said company shall elect from their own body seven directors, who shall continue in office one year, or until their successors shall be elected; and said directors shall elect from their own body a president and treasurer; and shall have power to fill vacancies; and make any other officers which may be created by the by-laws of said company.

Directors to be elected annually.

§ 6. The said president and directors shall conduct and manage all the affairs of said company, and bind the same by either verbal or written contract; and require that bond be executed by any officer which may be directed by the by-laws of said company; and shall cause to be kept a record of all its proceedings, and on the first Saturday of each January shall prepare and exhibit an annual report, showing fully the transaction and condition of said company.

Affairs of company to be managed by president and directors.

§ 7. And this act shall take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 482.

AN ACT to amend an act, entitled "An act to incorporate the Cumberland and Ohio Railroad Company," approved February 24th, 1869.

WHEREAS, It has been made to appear that the Cumberland and Ohio Railroad Company is unable to finish and complete its road, as contemplated by its charter, within the period therein limited; and whereas, there has been a large amount of money expended by said company in certain counties in procuring the right of way and constructing the road-bed of said road, which, in the present financial condition of the company and its inability to complete its road, is in danger of being lost to the stockholders, and the counties in which the road has been in part constructed, being desirous of deriving some benefit from the large expenditure made by them, without preju-

dice to the rights of other counties or interference with their legal remedies; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful, and said company may divide its road into two sections, the one commencing at the terminus of said road in Henry county, and extending through the counties of Henry, Shelby, Spencer, and Nelson to Bloomfield, in Nelson county, and which shall be known and designated as the Northern Division of the Cumberland and Ohio Railroad Company; the other commencing at Lebanon, in Marion county, and extending through Marion, Taylor, and Green counties to Greensburg, in Green county, and which shall be known and designated as the Southern Division of the Cumberland and Ohio Railroad Company; and the time for the completion of said sections, or either of them, or any part of either, is extended for ten years from the date of the passage of this act; and should said company complete any part of its road in any of said counties within said extended period, then said company shall have and retain, with the exception hereinafter set forth, all of its rights and franchises so far as applicable to the road and parts of road so completed in the counties aforesaid.

§ 2. That the power and authority hereby granted, and the extension of time herein given, shall not apply to the counties of Washington, Metcalfe, Barren, and Allen, nor shall this act, or any section thereof, be so construed as to affect the litigation now pending in any of the courts of this Commonwealth between any of the said last named counties, or the citizens thereof, and said company; but all rights of action or defense shall remain inviolate to said counties and citizens as though this act had not been passed.

§ 3. That the funds arising from the sale of the bonds or coupons of the bonds issued in payment of the subscription of the counties of Washington, Barren, and Allen, if any such now remain, or if any of the bonds or coupons of bonds issued by said last named counties remain unsold in the hands of said company, they shall

be paid over and delivered to the proper authorities of said counties; and all iron, rails, tools, road-bed, or right of way, or other material or property purchased by and with the proceeds of the sale of said bonds or coupons, or with the bonds and coupons themselves, shall be the property of the counties, subject, however, to the liability, if any now existing, of said counties, for their just proportion of the general expenses of said company heretofore incurred; and the title to the said property is hereby vested in said counties of Washington, Barren, and Allen; nor shall any of said bonds, coupons, or proceeds arising from the sale of the bonds of said last named counties, nor any of the property, iron, rails, or other material purchased as aforesaid by and with the bonds, coupons, or proceeds of sale of same, of the counties of Washington, Allen, or Barren, be applied to the construction of the road, or any part thereof, or to the equipment of the same, or in any manner to aid in the construction or equipment of the road in the counties of Taylor, Marion, Green, Nelson, Spencer, Shelby, or Henry.

§ 4. That said Cumberland and Ohio Railroad Company shall have the power and right to sell, lease, or consolidate so much of its road, or any part thereof, or any extension thereof, as lies and is situate in the counties of Henry, Shelby, Spencer, and Nelson, and in the counties of Marion, Green, and Taylor, to or with any other railroad company or companies; and such sale, lease, or consolidation, shall operate to transfer the rights and franchises of the Cumberland and Ohio Railroad Company in the counties last named to the company or companies with which it may contract; and any other railroad company or companies is hereby authorized to make such contract with the Cumberland and Ohio Railroad Company: *Provided, however,* That this section, nor anything in this act, shall be so construed as to authorize any other company to prosecute and institute suit in any court against the counties of Washington, Barren, or Allen, to compel the issue of bonds or coupons by them, executed in payment of their subscription to the capital stock of

dice to the rights of other counties or interference with their legal remedies; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful, and said company may divide its road into two sections, the one commencing at the terminus of said road in Henry county, and extending through the counties of Henry, Shelby, Spencer, and Nelson to Bloomfield, in Nelson county, and which shall be known and designated as the Northern Division of the Cumberland and Ohio Railroad Company; the other commencing at Lebanon, in Marion county, and extending through Marion, Taylor, and Green counties to Greensburg, in Green county, and which shall be known and designated as the Southern Division of the Cumberland and Ohio Railroad Company; and the time for the completion of said sections, or either of them, or any part of either, is extended for ten years from the date of the passage of this act; and should said company complete any part of its road in any of said counties within said extended period, then said company shall have and retain, with the exception hereinafter set forth, all of its rights and franchises so far as applicable to the road and parts of road so completed in the counties aforesaid.

§ 2. That the power and authority hereby granted, and the extension of time herein given, shall not apply to the counties of Washington, Metcalfe, Barren, and Allen, nor shall this act, or any section thereof, be so construed as to affect the litigation now pending in any of the courts of this Commonwealth between any of the said last named counties, or the citizens thereof, and said company; but all rights of action or defense shall remain inviolate to said counties and citizens as though this act had not been passed.

§ 3. That the funds arising from the sale of the bonds or coupons of the bonds issued in payment of the subscription of the counties of Washington, Barren, and Allen, if any such now remain, or if any of the bonds or coupons of bonds issued by said last named counties remain unsold in the hands of said company, they shall

be paid over and delivered to the proper authorities of said counties; and all iron, rails, tools, road-bed, or right of way, or other material or property purchased by and with the proceeds of the sale of said bonds or coupons, or with the bonds and coupons themselves, shall be the property of the counties, subject, however, to the liability, if any now existing, of said counties, for their just proportion of the general expenses of said company heretofore incurred; and the title to the said property is hereby vested in said counties of Washington, Barren, and Allen; nor shall any of said bonds, coupons, or proceeds arising from the sale of the bonds of said last named counties, nor any of the property, iron, rails, or other material purchased as aforesaid by and with the bonds, coupons, or proceeds of sale of same, of the counties of Washington, Allen, or Barren, be applied to the construction of the road, or any part thereof, or to the equipment of the same, or in any manner to aid in the construction or equipment of the road in the counties of Taylor, Marion, Green, Nelson, Spencer, Shelby, or Henry.

§ 4. That said Cumberland and Ohio Railroad Company shall have the power and right to sell, lease, or consolidate so much of its road, or any part thereof, or any extension thereof, as lies and is situate in the counties of Henry, Shelby, Spencer, and Nelson, and in the counties of Marion, Green, and Taylor, to or with any other railroad company or companies; and such sale, lease, or consolidation, shall operate to transfer the rights and franchises of the Cumberland and Ohio Railroad Company in the counties last named to the company or companies with which it may contract; and any other railroad company or companies is hereby authorized to make such contract with the Cumberland and Ohio Railroad Company: *Provided, however,* That this section, nor anything in this act, shall be so construed as to authorize any other company to prosecute and institute suit in any court against the counties of Washington, Barren, or Allen, to compel the issue of bonds or coupons by them, executed in payment of their subscription to the capital stock of

the Cumberland and Ohio Railroad Company, or to recover the amount of any of such bonds or coupons as may have been issued by said last named counties; but all rights of defense, and to enforce forfeitures, shall remain in said counties as if this act had not passed.

§ 5. That no contract made by the Cumberland and Ohio Railroad Company, or either section of the same, as divided by this act, shall be valid until approved by a majority of the stockholders of such section voting at a regular or called meeting of the company composing such section.

§ 6. That the Cumberland and Ohio Railroad Company may be divided into two distinct corporations, with the approval of a majority of the stockholders voting at a regular or called meeting of the company. The one corporation to own the section of said road situate between Campbellsburg, in Henry county, and Bloomfield, in Nelson county, and to be composed of the stockholders north of Washington county, and to be known by the corporate name of the Northern Division of the Cumberland and Ohio Railroad Company; and the other to own the section of said road situate between Lebanon, in Marion county, and Greensburg, in Green county, and to be known by the corporate name of the Southern Division of the Cumberland and Ohio Railroad Company, and to be composed of the stockholders south of Washington county; and each to have the right to sue and be sued, and the powers conferred by this act upon the Cumberland and Ohio Railroad Company so far as applicable to their respective sections.

§ 7. That the Cumberland and Ohio Railroad Company, or either division thereof, or any company to which it may sell or lease all or any part of its road lying and situate in the counties of Henry, Shelby, Spencer, Nelson, Marion, Taylor, or Green, or with which it may consolidate any part of its road, may issue and sell its bonds, not exceeding fifteen thousand dollars (\$15,000) per mile, upon its road lying within said last named counties, and secure the payment of said bonds by mortgage

upon all or any part of said road lying within said counties. The said bonds to be of such denomination as the company or companies issuing them may designate, bearing interest, payable semi-annually, at not exceeding seven (7) per cent. per annum; the principal to be paid twenty years from date of issue, and payable, as also the interest, at such place as the company or companies may designate.

§ 8. That it shall be lawful for the Cumberland and Ohio Railroad Company, or the Northern Division thereof, to contract with the Shelby Railroad Company, or the Louisville, Cincinnati, and Lexington Railway Company, or both of them, to guarantee and secure the bonds issued by the Cumberland and Ohio Railroad Company, or the Northern Division thereof, upon the part of its road situate in the counties of Henry, Shelby, Spencer, and Nelson, or any part thereof, or to secure any of said bonds by pledging or assigning the gross or net earnings, or any part thereof, made, received, or earned by either of said companies from the business coming to them and over their roads from said Cumberland and Ohio Railroad Company; and such contract or pledge of the earnings, when made and recorded as deeds of trust are required to be recorded, shall operate to give a superior lien upon the net earnings received as aforesaid over any prior mortgage, and shall give a superior lien to the earnings, whether gross or net, mentioned in said contract or pledge over subsequent creditors and purchasers of said companies.

§ 9. That when the stockholders shall determine to divide the Cumberland and Ohio Railroad Company into two corporations, the stockholders present, and belonging to either section, shall organize by electing a separate board of directors for each corporation, to be composed of the same number for each corporation, and to be elected in the manner as provided in the charter of said company.

§ 10. That if any of the bonds or coupons of bonds of the counties of Allen, Barren, or Washington have not been issued or sold, such bonds or coupons shall not be issued or sold to aid in the construction of the Cumberland and Ohio Railroad; but the same shall be and re-

main the property of the counties in whose names they were executed, and nothing herein shall be construed to affect the validity or any legal question connected with the bonds of any of the counties along the line of the road.

§ 11. That the powers, rights, privileges, and franchises of the Cumberland and Ohio Railroad Company, upon the expiration of its charter as provided in the original act of incorporation, passed and approved February 24th, 1869, shall be vested in the county court of Allen county that may contract with any other corporation or company to extend and complete so much of said road as lies in said county; and the said county of Allen may, and is hereby vested with the power to, make such contract and transfer the property, rights, and franchises, with which the invested by this act to such company or companies, or corporation, subject to the same provisions and restrictions as are by this act applicable to the counties of Green, Taylor, Marion, Shelby, Spencer, Henry, and Nelson.

§ 12. That this act shall take effect and be in force from its passage.

Approved March 18, 1878.

CHAPTER 483.

AN ACT for the benefit of Taylor county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Taylor be, and it is hereby, authorized and empowered to make and enter into any contract or contracts, with any person or persons, corporation or association of persons, for the compromise, purchase, or redemption of any and all bonds, coupons, judgments, or other indebtedness of said county, whether the same be due or not due, growing out of the issue of any bonds or coupons heretofore issued by said county; and said county, acting through its county court, and

such agents as may be appointed by the county court of Taylor county, are hereby authorized and empowered to execute and carry out such contracts, and for that purpose it is hereby authorized to issue, negotiate, and deliver new bonds of said county, not exceeding one hundred and twenty five thousand dollars, in such amounts as it may deem best, and on such time as the county may think proper, and bearing any rate of interest not exceeding eight per cent. per annum, with coupons attached to represent the interest, payable semi-annually at such time and place as it may think best. The bonds to be signed by the county judge and county court clerk, with the seal of said county attached, and the coupons on said bonds to be signed by the clerk alone. And it shall have the right to sell all or any number of said bonds at not less than their par value, the proceeds of which may be used to buy the present outstanding bonds of Taylor county, at rates not to exceed fifty cents on the dollar, or to exchange the same with the holders of bonds of Taylor county now outstanding, upon such terms as may be agreed to by the holders and the said county court of Taylor county and its agents, upon the surrender and cancellation of the old bonds: *Provided*, That in such exchange no greater rate shall be allowed in such exchange than fifty cents on the dollar for said old bonds. And the county clerk of said county shall keep a record of all bonds issued under this act, showing the date of such bond, when payable, the amount thereof, and the number of coupons attached to each bond, which record shall also show the number and amount of bonds sold, and the number and amount exchanged for other bonds of said county. The records shall also show the number, amount of bonds, and coupons taken up and canceled by sale or exchange of the new bonds, and said record shall be open at all times to the inspection of the tax-payers of said county.

§ 2. That the faith and credit of the county of Taylor be, and the same is hereby, pledged to carry out, in good faith, any and all contracts made by it for the issue, purchase, compromise, and redemption of any and all bonds

and coupons issued under the first section of this act; and any and all bonds and coupons issued and delivered under this act shall be valid and binding on the parties thereto; and any *bona fide* holder or owner of any such bond or coupon, issued and delivered as aforesaid, on obtaining a judgment, in any court of competent jurisdiction, against the said county, shall, if the county refuse, for thirty days after demand, to levy and proceed in good faith to have collected a tax sufficient to pay any such judgment, interest, and costs, be entitled, on application to the circuit court, or, in vacation, to the circuit judge of the seventh judicial district, after having notice thereof served on the judge of said county, to have an order made, based on the last preceding assessment, levying a tax and appointing a collector, whose duty it shall be to collect from the tax-payers of Taylor county sufficient to pay off such judgment, interest, and cost, and the cost of collecting the same; and the collector so appointed shall have all the power given by law to the collectors of State revenue and county levies, and be liable in like manner: *Provided also*, That any collector appointed under this section shall, before he proceeds to act, execute a bond, with good solvent surety, to be approved and attested by the judge of said district, the same to be by him delivered to the Taylor county court clerk for safe-keeping; and should the county court, held by the county judge and justices, or by the county judge, fail, for ten days after demand in writing, to levy and proceed in good faith to collect a tax as provided in this act, then, and in that event, it is hereby made the duty of the circuit court, or judge thereof in vacation, being informed of such failure by any *bona fide* bondholder or his attorney, to levy and have collected, as in case of a judgment, a tax to pay off semi-annual interest on past due coupons of bonds issued under this act, of which application the county court or judge thereof shall have ten days' written notice.

§ 3. That if at any time all the justices of the peace of Taylor county shall resign, or if at any time the number of justices, from death, resignation, or other cause, be

reduced to a less number than a majority of all the justices to which, by law, said county is entitled, then, and in that event, the county judge of said county, sitting as a court, shall have and exercise all the powers of the county court of Taylor county, within the meaning and purview of this act, and possess and exercise all the powers conferred upon the Taylor county court by this act.

§ 4. That it shall be the duty of all collectors appointed under the provisions of this act to make monthly reports, under oath, to the county treasurer of Taylor county of all moneys collected by him or them; and such collectors shall at once pay over to the county treasurer the amount of all moneys collected by him, less the commissions allowed by law or order of the court or judge making the levy. And it is hereby made the duty of the treasurer of Taylor county to deposit all moneys collected under the provisions of this act, so soon as he receives the same, in some solvent bank, with a paid-up capital of not less than \$100,000, to the credit of Taylor county, which money shall be paid out by such bank only upon the check of the treasurer of Taylor county. And no such collector or treasurer shall have the right to use or loan said money, or any part thereof, for any purpose whatever, save and except as provided in this act.

§ 5. All such collectors shall collect the entire tax in his hands, and pay the same over to the county treasurer within six months from the time the tax-books are placed in his hands for collection. And it is hereby made the duty of the sheriff of Taylor county to collect all tax levied by the county court under this act; and should he fail for ten days, after the levy of any such tax and notice to him, to execute bond, with good and sufficient surety, to be approved by the county court, then it shall be the duty of said county court to declare, by order of record, his office of tax collector forfeited. And in that case it is made the duty of the said county court to appoint a tax collector, and take bond from him, with good and approved surety, and fix, by order, the compensation of such collector. And if any sheriff or tax collector

shall fail to collect or pay over the taxes, as provided in this act, to the county treasurer, such sheriff or collector so in default shall, with his sureties on his official bond, be liable to an action, on motion on ten days' notice in the Taylor circuit or common pleas courts, in which action the county of Taylor, in its own name, shall recover for any default of the sheriff or collector the amount due the county, with interest from the time it should have been paid, the costs of the action or motion, and ten per cent. damages on the amount found due and recoverable. And should the treasurer of Taylor county fail to pay over any money in his hands when ordered to do so by the Taylor county court, he and his sureties shall be liable in like manner as is herein provided in regard to sheriffs and tax collectors; and the Taylor county court, held by the county judge, shall have the right to require all sheriffs, tax collectors, and the treasurer of Taylor county, to renew or give additional surety upon their official bonds as such officers, as often as he may think proper, so as at all times to have securities on said bonds good and solvent for any amount of money in their respective hands.

§ 6. That it shall be the duty of Taylor county to have an assessment, make a levy, appoint a collector, and have collected from the tax-payers of Taylor county, upon all property which is now or that may hereafter be assessed for, and subject to, State revenue purposes, including the amount given in under the equalization law, to pay the semi-annual interest or past due coupons on all bonds issued under the provisions of this act, and also to pay off and take up the said bonds at maturity; and if the county court shall deem it proper, it may, in addition to the tax herein provided for, levy an additional tax upon the taxable property of said county to create a sinking fund to purchase any or all bonds and coupons issued under the provisions of this act.

§ 7. That the county court of Taylor county shall cancel all bonds and coupons purchased under the provisions of this act, by writing on the face thereof, with red ink, the following: "This bond has been bought in by Taylor

county, and is not to be re-issued ;” and the county clerk, in the presence of the county judge, after having made a record of the bonds and coupons purchased under this act, shall burn the same.

§ 8. *Be it further enacted*, And as an inducement to the tax-payers of Taylor county to furnish the money with which to at once purchase the outstanding bonds and debts of said county, it is hereby made lawful for the tax-payers, or any of them, of Taylor county, to pay to the county treasurer his or their taxes due, or to become due, to said county, taking his receipt therefor; and all payments so made are declared a valid payment of such a one's share of the taxes due, or to become due, on account of the present indebtedness of said county, to the extent he or they may thus pay; and if the amount of the payment or payments thus made shall be equal to or exceed the whole amount of taxes due, and to become due, by such tax-payer, to take up the bonded debt of said county, then the tax-payer so paying shall be relieved from any further taxes under this act; and should any tax-payer pay, under this section, more than his proper quota of said indebtedness, then it shall be the duty of the county to refund to him the overplus so soon as ascertained, or as may be agreed upon; and the treasurer of Taylor county shall keep a record-book, in which he shall open an account with the parties making advancements under this section, which book shall be carefully indexed, and show the full names of the payers, the amounts paid, and the date of payment; and the book shall be subject at all times to inspection by the parties making advances, and the Taylor county court and sheriff or collector; and the money or moneys thus collected shall be deposited by the treasurer in like manner as that taken in through the collectors, and be subject to the same restrictions in every respect; and the county court shall make the treasurer a proper allowance for his trouble under this act, to be paid out of the amount collected.

§ 9. That if any sheriff, collector, or the county treasurer, or other county officer having charge or control

thereof, shall use, loan, or in any way misapply any money or moneys collected or raised under this act, except the commissions to which, by law, they may be entitled, or shall be a party to any such misapplication of said fund, or any part thereof, or aid or assist any one so offending, shall be guilty of felony, and, upon indictment and conviction, shall be confined in the penitentiary of this Commonwealth for a period of not less than two nor over ten years.

§ 10. This act shall be in force and take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 484.

AN ACT for the benefit of the Covington Light Guard.

WHEREAS, The Covington Light Guard, commanded by Captain Frank Wood, was duly organized under the militia law of this State, and was duly mustered into the State Guard on February 4, 1876, and on September 6, 1876, on occasion of the inroad of a mob into this State, following the prize fighters Goss and Allen, was ordered by the Governor into active service; and whereas, under the militia law, said company so ordered was entitled to an advance from the State of twelve dollars per man for procuring uniforms, the said amount to be charged against each man, and to be deducted from any compensation thereafter due for actual military services, except that only half the pay due for services might be retained until said advance was reimbursed to the State; and whereas, said company, numbering forty-three men, elected under the law to draw uniforms, and, under authority from the Governor, contracted for the cost of the same to the amount of twelve dollars per man, and the said advance, though so due, has not been made by the State; and whereas, the said company, on the occasion above referred to, rendered two days' active service, with thirty-three men, and was paid therefor two dollars, being at the rate of one dollar per day for each man, making

sixty-six (\$66) dollars in all; and on July 7, 1877, under orders from the Governor, twenty-nine men of said company rendered active service in Carter county for a period of nine days, for which they were paid, at above rates, two hundred and sixty-one dollars (\$261), which was paid in full; and whereas, it appears from the circumstances herein stated that said company was entitled, on being ordered into active service in September, 1866, to a total advance of five hundred and sixteen dollars (\$516) for uniforms, to be charged against half the pay for future compensation for services until reimbursed; and said company has, as above stated, received full pay to the amount of three hundred and twenty-seven dollars (\$327), one half of which, viz: one hundred and sixty-three dollars and a half (\$163 50), they were entitled to draw, and the other half, viz: \$163 50, should have been deducted as a part return on the advance due for uniforms, leaving a balance of three hundred and fifty-two dollars and a half (\$352 50) still due said company as an advance, to which it is entitled under the law; and whereas, said balance of advance due under the law is properly payable out of the military fund, and there is now no money to the credit of the military fund in the Treasury; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of three hundred and fifty-two dollars and a half is hereby appropriated, out of any moneys not otherwise appropriated by law to the military fund, to be set apart by the Treasurer and credited to said fund, for the purpose of making the advance for uniforms to which said Covington Light Guard is entitled; and, on the order of the Governor, the Auditor is directed to issue his warrant on the Treasurer for said amount, to be paid to Captain Frank Wood for the use and benefit aforesaid of his said company of the State Guard: *Provided*, That whenever said company shall be called into active service, they shall only receive half pay until the half pay reserved shall aggregate the amount appropriated by this act.

§ 2 This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 485.

AN ACT for the benefit of the educational interests of the white citizens of Bowling Green, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Bowling Green, Kentucky, shall have the power at any time, a majority of said board concurring, to cause, on twenty days' notice given through the city newspapers and printed posters put up in public places, a vote to be taken among the white voters of said city as to whether the city shall issue bonds, in aggregate not to go beyond one hundred thousand dollars, as hereinafter specified, the proceeds from the sale of which to be applied to the advancement of the educational interests of the whites of said city.

§ 2. That said council shall present an educational scheme, in printed form, upon which it desires the franchise of the white voters to be taken; and the vote shall be recorded for or against the educational scheme, in accordance with the existing municipal election laws of the city.

§ 3. That said council shall be authorized to proceed to the issuing of bonds under the provisions of this act, should two thirds ($\frac{2}{3}$) of the white citizens voting as above be in favor of the educational scheme as presented for their approval; but the council shall also have the right of final action upon the issuing of said bonds, even after the sanction given to issue same by two thirds of the white voters of the city voting.

§ 4. That said bonds shall be issued in amounts of from one hundred to one thousand dollars each, be redeemable five years from date, mature twenty years from date, and bear interest at a rate not exceeding eight (8) per cent. per annum, payable semi-annually on the first of January

and July of each year, at a place designated by the city council.

§ 5. That said bonds shall be issued, with interest coupons attached, and the bonds shall be signed by the mayor and clerk of the city of Bowling Green, but the coupons shall be signed by the clerk alone.

§ 6. That said city council shall have power to levy an ad valorem tax on the taxable property of the whites, not, however, to exceed fifty cents on each one hundred dollars' worth of its assessed valuation, to be collected as other city taxes; and the fund derived therefrom shall be held separate and distinct from all other city moneys, and be applied to the payment of the coupon interest on said bonds as it may accrue, and to the retiring of the bonds themselves.

§ 7. That the fund raised and created by the preceding section shall be held and managed by three commissioners of education, to be selected one from each ward in the following manner, to-wit: the city council shall, as soon as it may become necessary after the issuing of the aforesaid bonds, elect three commissioners of education, and the commissioner from the first ward shall hold his office until the first regular election for municipal officers by the city council; the commissioner from the second ward until the second regular election, etc., and the commissioner for the third ward until the third regular election as above, or all until their successors are qualified. After the first election, the city council, at its regular yearly meetings held for the election of municipal officers, shall elect one commissioner of education, whose term shall be for three years or until his successor shall have qualified, taking same from the ward in which there is a vacancy; and vacancies occurring during the interim of the regular terms shall be filled by the city council at its first meeting thereafter.

§ 8. That said commission shall organize by selecting one of their number as chairman and treasurer of its board, who shall receive from the city collector and other sources such moneys as may properly belong to the edu-

cational fund, and who shall give bond, to be approved and accepted by the city council, sufficient to cover the total amount that will probably pass into his hands each year, for the faithful discharge of his duties and the turning over of the funds, papers, books, etc., in his possession to his successor.

§ 9. That the chairman of said educational commission shall keep a minute book of the board's actions, a general cash account of moneys from all sources coming to his hands, and their manner of expenditure, a bond register, and record all bonds retired. After paying the semi-annual coupon interest, he shall profitably invest the surplus funds in his hands, upon consent of the other members of the commission, until the bonds become redeemable, when he shall call them in and pay them off as fast as the surplus means held by the commission will allow.

§ 10. That the chairman of said educational commission shall receive such amount of money as compensation for his services as may be allowed him by the city council; said money to be paid out of the educational fund.

§ 11. That this act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 486.

AN ACT to incorporate the town of Wallonia, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Wallonia, in Trigg county, be, and the same is hereby, incorporated, with the following boundary, viz: beginning at the mouth of Bingham's spring branch, on the Muddy Fork of Little river; thence up said branch with its meanderings to the head of said branch; thence northeast opposite Pool and Wilson's line, including Jabe Bingham, Mat. McKinney, and J. H. Endsley; thence with Pool's, Wilson's, and Williams', on

Boundary.

Wilson's line, crossing the Muddy Fork, on Wallonia and Madisonville road, near J. M. Brown's house, and cornering at Brown's stable; thence south, crossing the Princeton road, including J. M. Brown, C. J. Watkins, and the Christian Church, to the beginning corner. D. W. Kenady, W. J. Moore, and A. T. Wimberly are hereby appointed trustees of said town, and shall hold their office until their successors be elected and qualified; and they and their successors in office shall be styled "The Trustees of the Town of Wallonia;" may sue and be sued, plead and be impleaded, defend and be defended against, in all the courts of this Commonwealth. It shall be the duty of the trustees to give public notice, by posting up, in three public places in said town, notices of an election for town officers; said officers to be elected on first Saturday in July, 1878, and annually thereafter. At said election every qualified voter residing within the limits of said town shall be entitled to vote.

Trustees appointed.

§ 2. The trustees shall have power, and it shall be their duty, to pass all ordinances, by-laws, rules and regulations, for the good government and well-being of said town; to grant coffee-house license; to levy annually a poll-tax, not exceeding one dollar on each qualified voter within the corporate limits, and an ad valorem tax; not exceeding twenty-five cents on each one hundred dollars' worth of property in said town, subject to taxation for State revenue, for the improvement of said town; to tax all auction sales, itinerant shows and exhibitions for money, such sums as they may deem proper; to declare what are nuisances, and to remove the same; and to do any and all acts necessary to give effect to all their powers herein conferred: *Provided*, They do not act inconsistent with the laws of this State or of the laws of the United States.

May pass all by-laws and ordinances, grant license, &c.

§ 3. It shall be the duty of the trustees to appoint a clerk and treasurer, and, by ordinance, define their duties; and they shall require of the treasurer a bond, with good and sufficient security, for the faithful performance of his duty.

Clerk and treasurer to be appointed.

§ 4. All taxes levied and collected, and all fines and forfeitures, shall be paid to the treasurer of said town; and no money shall be drawn from the treasury of said town, except it be upon the warrant of the chairman, by the order of the board of trustees.

All taxes, fines, and forfeitures collected to be paid to treasurer.

§ 5. C. T. Watkins is hereby appointed police judge, to hold his office until his successor be elected and qualified; said successor shall be elected on first Saturday in July, 1878, and annually thereafter; said police judge shall, by virtue of his office, be a conservator of the peace, and before he enters upon the duties of his office, shall take an oath, before the judge of Trigg county court, to faithfully and impartially discharge the duties of said office, and shall take such oaths as are required of justices of the peace. The police judge shall have concurrent jurisdiction with the justices of the peace, and shall be entitled to the same fees; he shall have exclusive jurisdiction of all infractions of by-laws and ordinances of said town. The police judge shall have power to hold examining trials, and hold parties over to the circuit court; he shall have power to fine for contempt, in any sum not exceeding five dollars, and imprison not exceeding six hours; he shall have power, upon the verdict of a jury or judgment of the court, to cause any person fined for violation of any ordinance or by-law, or found guilty of misdemeanor under the General Statutes, or of petit larceny within the limits of said town, to work upon the streets of said town for one day of eight hours, for each two dollars of both fine and costs.

Police judge appointed until successor is elected.

Jurisdiction.

§ 6. J. M. Brown is hereby appointed town marshal, to hold his office until his successor be elected and qualified; said successor shall be elected on first Saturday in July, 1878, and annually thereafter, and shall take same oaths as are required by constables of Trigg county; shall execute bond, with good security. It shall be the duty of the town marshal to execute all processes issued from the police court of said town for an alleged violation of any by-law or ordinances of said town; to promptly collect all taxes, fines and forfeitures, and pay the same to the treasurer of said town.

Town marshal appointed, and his duty.

§ 7. The trustees of said town, before entering upon the duties of said office, shall take an oath, before some justice the peace of Trigg county, to faithfully perform the duties of town trustees; said oath shall be entered upon the record-books of said corporation.

Trustees to take an oath.

§ 8. The trustees herein appointed shall, before entering upon their duties as such, take the oath of office as is required of those hereafter to be elected, as shall also the police judge herein appointed for said town. The town marshal herein appointed for said town shall also, before entering upon the duties of his office, take the oath and execute bond as is required herein of said officer hereafter to be elected.

Police judge and town marshal to take an oath.

§ 9. The elections herein provided for shall be held by the clerk of the board of trustees, and his certificate shall be evidence of the election of the parties holding same.

Election is to be held by clerk of board of trustees.

§ 10. This act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 487.

AN ACT to incorporate the Hardin County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. M. Longshow, A. H. Churchill, John H. Stewart, Geo. W. White, John Richards, W. C. Bethel, J. R. Gaither, and their associates, successors, and assigns, are hereby created a corporation, under the name and style of the "Hardin County Bank," and shall so continue until the first day of January, 1900; and by that name are made capable in law to acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; to sue and be sued, contract and be contracted with, answer and be answered, defend and be defended, in all courts and places whatever; may have

Corporators' names.

Name and style.

Corporate powers.

and use a common seal, change, alter, and renew the same at pleasure, and to make, ordain, establish, and put in execution such by laws and regulations for the government of the same as may be deemed necessary, provided they be not contrary to the law of this State or the United States.

Place of business.
Legal hours.

§ 2. The place of business of said company shall be in the town of Elizabethtown, Kentucky. The legal hours for conducting the business of said bank shall be between the hours of 9 A. M. and 3 P. M., the Sabbath day and all State and national holidays excepted, and paper falling due on those days shall be considered and held as maturing on the preceding day.

Capital stock.

§ 3. The capital stock of said corporation shall not be less than fifteen thousand dollars nor more than one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each.

When corpora-
tors may go into
business.

§ 4. Any of the corporators above named may receive subscriptions to the capital stock, and when fifteen thousand dollars has been subscribed and paid up, said bank may commence business.

Subscriptions
may be collected
by law.

§ 5. Subscriptions to the capital stock, with legal interest from the time the same was due, may be recovered in any court having jurisdiction.

Business to be
under control of
directors.

§ 6. The property, business, and affairs of said bank shall be under the management of a board of directors, of not less than five nor more than seven persons, all of whom shall be stockholders and residents of this State, one of whom shall be elected president of the board; and the five first named corporators, as set forth in article 1, are hereby constituted a board of directors for said bank, to serve until the first Monday in January, 1879, and until their successors are elected and qualified; and should any of these persons refuse to qualify and serve as director, his place may be treated as vacant, and may be filled by the remainder, and all vacancies in the board of directors of said bank may be filled by the other directors; and on the first Monday of January, 1879, and on the same day of each year thereafter, there shall be an election of

Vacancies—how
filled.

Election of di-
rectors shall be
annual.

directors for the said bank by the stockholders thereof, between the hours of 10 A. M. and 12 M., who shall serve as such until the succeeding first Monday in January, or until their successors are elected and qualified. Notice of such election shall be given in the newspapers published in Elizabethtown, at least thirty days preceding such election; and all elections shall be under the inspection of at least two stockholders, to be appointed by the board of directors, and the result shall be duly certified under the signature of the persons holding them. A plurality of votes shall elect, and each stockholder shall be entitled to one vote for each share of paid-up stock he may own, and may cast the same in person or by proxy; and a majority of the stockholders so voting shall be good and valid for all purposes. A majority of the board of directors shall constitute a quorum for the transaction of business.

Notice of election shall be given.

Voting—manner of.

Quorum.

§ 7. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate of interest of this State, as may be agreed upon with the depositors by special or general contract; may deal in exchange, bonds, stocks, promissory notes, and other evidences of debt, loan money at a rate not exceeding the rate allowed by law, and take personal and other securities for the payment of any loan or indebtedness; may receive promissory notes by assignment, United States vouchers, warehouse receipts, bills of lading, mortgages on unencumbered real estate, worth at least double the amount secured thereby, bonds and stocks, or any other property or article of value in pledge for the security of money loaned, liabilities due or maturing to said bank, and sell the same on the non-payment of the debt or demand, according to the provisions of an act, entitled "An act for the benefit of the incorporated bank of Kentucky," approved March 16, 1871. Inland bills which may be purchased, or promissory notes discounted by it, shall be, and they are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had

May do a general banking business.

thereon, jointly and severally, against the drawers and indorsers; and said bank may issue certificates of credit, payable throughout the United States and elsewhere.

May receive sav-
ings deposits.

§ 8. Savings deposits may be received and paid to depositors under such regulations, not inconsistent herewith, as the board of directors may prescribe. Such rules, together with the rate of interest and exchange, which may be altered from time to time, but not to the prejudice of any party, shall be posted in a conspicuous place in the banking-room of said corporation.

Directors to ap-
point officers and
fix salaries.

§ 9. The board of directors of said bank shall have full power to appoint and employ such officers, clerks, and servants as they deem necessary to conduct the business of said bank, pay them such wages, and require from them such bonds to secure the faithful discharge of their respective duties, as they deem necessary.

Dividends.

§ 10. The directors may declare semi-annual dividends of the profits arising from the business of said bank on the first day of January and July of each year: *Provided*, No dividend shall be declared if the capital be in any manner impaired.

Stock shall be
personal property

§ 11. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness of the stockholders to the bank for stock unpaid.

Directors shall
meet.

§ 12. The directors of the bank shall meet for the transaction of such business as may properly come before them at least once in every week.

Liability of
stockholders.

§ 13. The stockholders in this company are not liable in any event, or in any manner whatever, for the debts of said company except to the extent of their shares of the capital stock in the same.

§ 14. This act shall take effect from its passage: *Provided*, That this act shall be null and void unless said incorporators shall organize and do business thereunder within two years from the approval thereof by the Gov-

error: *And provided further*, That the Legislature reserves the right to amend this act.

Approved March 16, 1878.

CHAPTER 488.

AN ACT to amend the charter of the Knob Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the Knob Lick Turnpike Road Company, as exempts from payment of tolls on said road wagons or other vehicles in going to and returning from mill, be, and the same is hereby, repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 16, 1878.

CHAPTER 489

AN ACT for the benefit of school district No. 8, Graves county.

WHEREAS, The commissioner of Graves county, through error, failed to report fourteen children to the Superintendent of Public Instruction for the school year ending June 30th, 1878, which should have been included in the census of district No. 8; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-four dollars and fifty cents be appropriated to pay the teacher of district No. 8, to be paid on the draft of J. M. Cosby, county commissioner, countersigned by the Superintendent of Public Instruction, out of any unbonded surplus remaining to the credit of Graves county.

§ 2. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 490.

AN ACT for the benefit of W. S. Price, a pauper idiot.

WHEREAS, An inquest was held on the pauper idiot, W. S. Price, on the — day of —, 1870, and that another inquest was held on the — day of —, 1876, and that from the 11th day of December, 1875, to the 27th day of May, 1876, there was nothing paid to said Price as a pauper idiot; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said pauper idiot, W. S. Price, be allowed the sum of thirty-five dollars, it being that part of the yearly allowance of seventy-five dollars which was not paid to him for the time which elapsed between the eleventh of December, 1875, and the 27th of May, 1876.

§ 2. And that the Auditor be authorized to draw his warrant on the Treasurer for the same, to be paid out of any money in his hands not otherwise appropriated.

§ 3. This act to take effect from its passage.

Approved March 16, 1878.

CHAPTER 491.

AN ACT for the benefit of Wm. Simpson, late clerk of the Wayne circuit and county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts," approved 14th of January, 1874, be, and the same is hereby, continued in force two years from the 14th day of January, 1878.

§ 2. This act to take effect from the 14th day of January, 1878.

Approved March 16, 1878.

CHAPTER 492.

AN ACT appropriating money to pay for extra clerical labor in making the Registration Reports.

WHEREAS, The Registration Reports required to be made by an act approved January 31st, 1874, have been made for each of the years 1875, 1876, and 1877 by L. D. Holloway, a clerk in the Auditor's office; and whereas, said reports have been made out of office hours for want of a sufficient clerical force in the Auditor's office to do the daily work required and make said reports; and whereas, all such reports under former registration laws have been paid for liberally out of the Treasury; and to require work of such a nature to be done, when it could only be done out of office hours, without just compensation, would be unjust and unreasonable; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of five hundred dollars per year for each of the years 1875, 1876, and 1877, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount in favor of L. D. Holloway, to compensate him for his extra services performed out of office hours in making said Registration Reports.

§ 2. This act to take effect from its passage.

Approved March 18, 1878.

CHAPTER 493.

AN ACT to amend the charter of the town of Cloverport, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the town of Cloverport as requires the marshal of said town to collect all the taxes of said town, be, and the same is hereby, repealed.

§ 2. It shall be the duty of the board of trustees of said town to appoint in each year some suitable person, who

shall be called the tax collector, whose duty it shall be to collect all the taxes levied for the benefit of said town that shall be placed in his hands under laws existing at the time of his appointment or during his term.

§ 3. Before the tax collector proceeds to collect any taxes he shall, in the Breckinridge county court, take an oath for the faithful performance of his duties as such, and shall enter into bond, with good security, to be approved by said court, in a penalty of not less than three thousand dollars, payable to the Commonwealth of Kentucky, with conditions similar to bonds required by law of the collectors of the county levy, and the same may be put in suit for a failure to perform the conditions of said bond, either by the board of trustees or any person aggrieved thereby, in the same manner as suits are now authorized to be brought on the bonds of the collectors of the county levy.

§ 4. The said collector shall be allowed such compensation for his services as may, from time to time, be fixed by the board of trustees of said town.

§ 5. The said collector shall account for and pay over all taxes as required and directed by the said board, and shall be subject to the same liabilities and responsibilities upon his bond as collectors of county levy are liable by law upon their bonds.

§ 6. This act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 495.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors in the town of Moscow, Hickman county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act it shall be unlawful for any person or persons to sell spirituous, vinous, or malt liquors, in any quantity or in any capacity whatever, within the corporate limits of the town of Moscow, Hickman county, Kentucky.

§ 2. Any person or persons who shall violate the provisions of the preceding section of this act shall, upon indictment and conviction thereof in the Hickman circuit court, be fined in the sum of two hundred and fifty dollars for each offense.

§ 3. This act shall not apply to persons now selling such liquors in said town, under a license therefor, until the expiration of such license.

§ 4. This act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 496.

AN ACT to maintain a graded school in the town of Hartford, and to provide for the erection of school buildings therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Hartford are hereby authorized to issue the bonds of said town to any amount not exceeding ten thousand dollars, with interest coupons attached, for the purpose of erecting within said town such buildings as may be deemed suitable for school purposes.

§ 2. Said bonds shall bear interest at the rate of six per cent. per annum, payable annually, and shall be issued in any denomination not exceeding one hundred dollars, running not longer than ten years, redeemable at or before maturity, at option of said board, shall be signed by the chairman and countersigned by the clerk of said board, and shall not be sold at less than their par value.

§ 3. That the fund arising from the sale of the bonds shall vest in said board of trustees, to be kept as a separate fund, and to be used only for the purposes indicated in this act.

§ 4. That the board of trustees shall have power, with the funds arising from the sale of the bonds herein provided for, to acquire such real estate as they may deem necessary, and to erect thereon suitable building or buildings for school purposes.

shall be called the tax collector, whose duty it shall be to collect all the taxes levied for the benefit of said town that shall be placed in his hands under laws existing at the time of his appointment or during his term.

§ 3. Before the tax collector proceeds to collect any taxes he shall, in the Breckinridge county court, take an oath for the faithful performance of his duties as such, and shall enter into bond, with good security, to be approved by said court, in a penalty of not less than three thousand dollars, payable to the Commonwealth of Kentucky, with conditions similar to bonds required by law of the collectors of the county levy, and the same may be put in suit for a failure to perform the conditions of said bond, either by the board of trustees or any person aggrieved thereby, in the same manner as suits are now authorized to be brought on the bonds of the collectors of the county levy.

§ 4. The said collector shall be allowed such compensation for his services as may, from time to time, be fixed by the board of trustees of said town.

§ 5. The said collector shall account for and pay over all taxes as required and directed by the said board, and shall be subject to the same liabilities and responsibilities upon his bond as collectors of county levy are liable by law upon their bonds.

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§ 2. Any person or persons who shall violate the provisions of the preceding section of this act shall, upon indictment and conviction thereof in the Hickman circuit court, be fined in the sum of two hundred and fifty dollars for each offense.

§ 3. This act shall not apply to persons now selling such liquors in said town, under a license therefor, until the expiration of such license.

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§ 2. Said bonds shall bear interest at the rate of six per cent. per annum, payable annually, and shall be issued in any denomination not exceeding one hundred dollars, running not longer than ten years, redeemable at or before maturity, at option of said board, shall be signed by the chairman and countersigned by the clerk of said board, and shall not be sold at less than their par value.

§ 3. That the fund arising from the sale of the bonds shall vest in said board of trustees, to be kept as a separate fund, and to be used only for the purposes indicated in this act.

§ 4. That the board of trustees shall have power, with the funds arising from the sale of the bonds herein provided for, to acquire such real estate as they may deem necessary, and to erect thereon suitable building or buildings for school purposes.

§ 5. The board of trustees shall have power and authority to establish and maintain in said buildings, when erected, a school for the benefit of said town, wherein shall be taught such branches of education as they may direct, and under proper regulations and restrictions to be determined upon by said board; said school shall be and remain free to all white persons within school ages who are bona fide residents of said town.

§ 6. The board of trustees shall have full and complete general control of said school, school buildings, and grounds, and such general powers and authority as may be necessary to carry out the provisions and intentions of this act, and may hold commencement exercises, and award such degrees and diplomas as are usually awarded in such schools.

§ 7. The bonds authorized herein shall be redeemed within ten years, and for this purpose, and for the purpose of paying the annual interest on the bonds, the board of trustees shall have authority to levy and collect an annual capitation tax of not exceeding five dollars on all the adult white male residents of said town, and an annual ad valorem tax of not exceeding one dollar upon each one hundred dollars' worth of real and personal estate, choses in action, and other forms and evidences of wealth in or owned in said town, which are liable to taxation under the revenue laws of the Commonwealth of Kentucky: *Provided, however,* That this section shall not apply to colored citizens in said town, nor to their property.

§ 8. Said taxes shall be levied and collected in such manner, form, and time as said board may direct: *Provided, however,* That the sum so levied and collected shall be at least equal to one tenth of all the bonds issued, with their annual interest and costs of collection, and the proceeds applied as rapidly as received for the payment of said costs of collection, interest, and liquidation of the bonds outstanding.

§ 9. The person or persons authorized by said board to collect said taxes shall execute a special bond to said board, conditioned for a faithful performance of all the duties imposed by said board in the collection of said

taxes, and to pay over and account for all moneys collected and taxes listed for collection; and should said person or persons fail to pay over all taxes listed for collection, or fail to properly account for the same within the time limited by said board, suit may be brought upon said bond in any court of competent jurisdiction, in the name of the board of trustees of the town of Hartford.

§ 10. The treasurer of said board shall give a special bond to said board to faithfully account for all moneys which shall come to his hands by virtue of this act.

§ 11. To liquidate the bonds issued, and to pay the interest thereon, said board may sell scholarships in said school upon such terms and conditions as they may deem advisable.

§ 12. All taxes collected in said town for school purposes by the school trustee of the school district in which Hartford is situated, and not otherwise disposed of, shall be paid over to the board of trustees by said school trustee or by any officer authorized by him to collect the same, and shall vest in said board for the purposes of this act.

§ 13. It shall be the duty of the board of trustees to make an annual enumeration of all children within school ages in said town, and certify the same to the county school commissioner as now required by law of school trustees; and it shall be the duty of the county school commissioner to pay to the treasurer of said board the pro rata portion of the public school fund to which such number of children may by law be entitled, and such sum shall vest in said board for the purposes of this act.

§ 14. The board of trustees may take, hold, and acquire, by gift or purchase, any property for the purposes set forth herein.

§ 15. But no tax shall be levied, and this act shall not be in force, until the same shall be ratified by a majority of all the votes cast by the qualified white voters of said town, at an election to be held for the purpose of taking the sense of the voters upon the subject of such ratification. An election may be held at any time within two

years from the passage of this act for this purpose, and said board shall give at least fifteen days previous notice of said election by advertisement in a county newspaper, or by written or printed notices posted conspicuously in said town.

§ 16. The vote provided for in section fifteen may be submitted as often as said board may direct.

§ 17. The board of trustees may admit scholars who are not residents of said town to the benefits of said school upon such terms and conditions as said board may direct.

§ 18. This act shall take effect and be in force from its passage.

Approved March 16, 1876.

CHAPTER 497.

AN ACT to incorporate Mephibosheth Lodge, No. 184, Independent Order of Odd Fellows, at Princeton, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

<p>Corporators.</p> <p>Name and style.</p> <p>Corporate powers.</p>	<p>§ 1. That G. C. Dudley, J. K. McGoodwin, G. K. Ratliff, A. C. Mayes, M. L. Edwards, and Jacob Goldnamer, and their successors, be, and they are hereby, created a body-corporate, by the name and style of Mephibosheth Lodge, No. 184, of the Independent Order of Odd Fellows, and they and their successors shall have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They shall have power to make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: <i>Provided</i>, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February</p>
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16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

May acquire real and personal estate not exceeding \$20,000.

§ 3. This act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 498.

AN ACT to extend the corporate limits of the town of Benton, in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the military survey of John Allison be included in the boundary of said town, to-wit: beginning at the northwest corner of the boundary of said town, as described in the plat of said town, recorded in the clerk's office of the Marshall county court; thence east twenty-five hundred (2,553 feet) and fifty-three feet; thence south to the northeast corner of said town on the military line where it intersects Lick creek; thence north sixty-five degrees and fifteen minutes along the military line to the beginning.

§ 2. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 499.

AN ACT in relation to selling intoxicating liquors in and within one and one half miles of the town of Elizaville, Fleming county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell intoxicating liquors in the town of Elizaville, Ken-

tucky, or within one and one half miles of the corporate limits thereof, without first obtaining a license from the board of trustees of said town, who are hereby authorized to grant the same.

§ 2. Each and every person wishing to sell intoxicating liquors in the limits, as laid down in section one of this act, shall apply to the board at a regular meeting, and pay the fees for said license, which shall not be less than two hundred nor more than five hundred dollars.

§ 3. For each and every violation of this act, the person or persons so offending shall, on indictment and conviction, be fined as now provided by law for selling liquors without license: *Provided*, This act shall not take effect as to those who are now selling liquors until the expiration of their present license.

§ 4. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 500.

AN ACT to amend an act, entitled "An act to incorporate the Walnut Bend Fence Company, in Henderson and Union counties," approved February 25th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Walnut Bend Fence Company, in Henderson and Union counties," be amended as follows: 1. That at any meeting of said company, a majority of the members present shall have power to transact any business, the power to do which is by said act conferred upon two thirds of the members of said company; but before any such meeting is held, at least five days' notice thereof shall be given by written or printed posters, put up at three public places within the boundary described by said act. 2. Any violation of the by-laws of said company may be prosecuted by warrant before any magistrate of Henderson county; but no recovery shall be for less than one dollar nor more than five dollars for each violation of any by-law. 3. It shall be lawful for said corporation to prohibit the run-

ning at large of any stock within the boundary described in said act, between the first of April and 25th of December of any year.

§ 2. This act shall be in force from and after its passage.

Approved March 16, 1878.

CHAPTER 501.

AN ACT to authorize the sale of the poor-house farm of Lewis county, and to purchase other property for the benefit of the paupers of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lewis county, or the judge thereof, is directed, at any time after the passage of this act, to appoint a commissioner, whose duty it shall be to sell the farm now owned by Lewis county, and upon which the county paupers are now kept, to the best possible advantage for the interests of the county; and said commissioner, when appointed, is invested with full power and authority to contract for the sale of said property, and to make a general warrantee deed of conveyance for the same; and if the said farm is sold for cash, the said commissioner is to hold the proceeds subject to the orders of the county court of Lewis county; and if the said commissioner should see best to sell the said farm on credit, the purchaser's notes must be executed to said commissioner for the benefit of Lewis county, and a lien retained upon said farm to secure their payment; and said notes, if taken, shall be held by said commissioner subject to the orders of the Lewis county court; and said commissioner, before entering upon the duties of his appointment, shall enter into an acknowledged covenant with the Commonwealth of Kentucky for the use of Lewis county, with security to be approved of by the county court of Lewis county.

§ 2. It is further directed that the county court, or the judge thereof, shall appoint not less than three citizens of Lewis county as commissioners to select a suitable farm, and as near the county seat of Lewis county as possible, for the purpose of locating a poor-house upon, for the benefit of the paupers of said county; they shall

ascertain the price and terms upon which said place or places can be purchased, and report the same to the Lewis county court as soon as practicable; and when said report is made, it will be the duty of the county judge to summon all the magistrates for the said county to appear at the court-house in Vanceburg for the purpose of acting upon the reports of the said commissioners; a majority of the magistrates for the county will constitute a quorum to carry into effect the objects of this act. Should the magistrates so assembled accept and adopt the commissioner's report, or agree upon the purchase of a farm for the purposes mentioned in this act, they are then required to levy an ad valorem tax, not exceeding thirty cents on the one hundred dollars' worth of property, and to continue the same until the farm so purchased shall be paid for and the necessary buildings erected upon the said farm. The county court may enter upon the collection of the said tax and issue the bonds of Lewis county for the purpose of paying for the said farm; and the tax so levied and collected shall be pledged for the payment of the bonds so issued. The said bonds shall be made payable to bearer, and shall be due at such time, and be for such amounts, and at such rate of interest, as the county court may determine, and shall be signed by the county judge.

§ 3. The farm, when purchased for the purposes of this act, and the management thereof, shall be under the supervision of the Lewis county court or the judge thereof, whose duty it shall be to appoint some suitable person to superintend the farm and care for the county's paupers in a humane manner, and not to require more work from the paupers than they can reasonably perform; and said superintendent shall be appointed every four years, and be subject to the orders of the county court during his appointment, and will be required to execute bond for the faithful performance of his duties as now required by law.

§ 4. This act shall be in full force and effect from and after its passage.

Approved March 16, 1878.

CHAPTER 502.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within the corporate limits of the town of Milburn, in Ballard county, or within one mile thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person to either directly or indirectly vend or sell any spirituous, vinous, or malt liquors, or a mixture thereof, within the corporate limits of the town of Milburn, in Ballard county, or within one mile thereof.

§ 2. For any violation of this act, the person or persons so offending shall be fined twenty dollars for each offense, to be recovered by warrant issued by the police judge of said town, or a justice of the peace of said county. Such warrant shall be issued in the name of the Commonwealth, and full power is hereby given to any such officer to try any violation of this act that may occur within said corporate limits or within one mile thereof; and the same proceeding shall be had upon a judgment rendered as hereinbefore provided for, as if rendered by a circuit or criminal court for a similar offense.

§ 3. All fines collected under the provisions of this act shall be paid into the treasury of said town.

§ 4. This act shall not affect any one now selling under a license until the expiration of such license.

§ 5. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 503.

AN ACT to regulate the jurisdiction of quarterly courts and courts of justices of the peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The quarterly court of each county shall have concurrent original jurisdiction, both in law and equity, with justices of the peace in all civil proceedings; but the jurisdiction shall not attach, except by consent of the defendants, in writing, unless one of them resides in the civil district which

embraces the county seat, or all are non-residents of the county.

§ 2. Quarterly courts shall have jurisdiction concurrent with circuit courts of all actions for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, exceeds fifty dollars and does not exceed five hundred dollars in value, and in other cases specially provided by statute.

§ 3. Justices of the peace shall have jurisdiction exclusive of circuit courts, but concurrent with quarterly courts, in all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed fifty dollars in value; and concurrent jurisdiction with both circuit and quarterly courts of all actions and proceedings for the recovery of money or personal property, when the matter in controversy, exclusive of interest and costs, exceeds fifty dollars in value and does not exceed two hundred and fifty dollars in value, and shall have original and concurrent jurisdiction in such other actions as are or may be specially provided by statute.

§ 4. This act shall apply only to Fulton, Hickman, and Graves counties.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1878.

CHAPTER 504.

AN ACT to amend the charter of Richmond, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act approved March 13th, 1876, entitled "An act to amend charter of the town of Richmond," be amended as follows: The board of trustees of Richmond, Kentucky, shall have power and authority to assess, levy, and collect taxes on all real estate in the limits of said town and such personal property as they may designate, including money, bonds, notes, choses in action, and all species of property taxable by the State under the equalization laws, owned by the citizens of the town, and not taxed elsewhere than in Madison county: *Provided*, That assessments on all kinds of property shall be uniform.

§ 2. The assessment of real estate, and of such personalty as the board may designate, shall be made as of the date of first Saturday in June annually; and in taking the assessment of money, choses in action, and like property taxable under the equalization law of the State, the mode provided by the General Statutes in assessment for State taxation shall be adopted except as to time.

§ 3. If any person liable to taxation fail or refuse to give a list of his taxable property when legally called upon by the assessor, or give a false or fraudulent list, he shall be fined not exceeding fifty dollars, recoverable by warrant before police judge, at instance of the board of trustees, and shall also be subjected by said judge to the payment of twice the amount of tax upon his estate; but this shall not prevent the assessor from listing the property from the best information he can get.

§ 4. It shall be the duty of the town attorney, or, if there be none appointed by the board of trustees, then of the county attorney, to prosecute all offenders under the third section of this act, and he shall be allowed therefor thirty per cent. of the fine and of the double tax so assessed.

§ 5. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 505.

AN ACT to amend the charter of the Mount Sterling Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Mount Sterling Gas light Company is hereby amended so as to give to the said company the right and privilege to mortgage the works of said company, together with all the appurtenances thereunto belonging, to any person or persons, for the purpose of raising money to pay off the outstanding indebtedness of said company, and the further purpose of extending and repairing the works of said gas-light company.

§ 2. That this act shall be in force from and after its passage.

Approved March 16, 1878.

LAWS OF KENTUCKY.

CHAPTER 506.

AN ACT to amend the charter of the German Protestant Orphan Asylum Society, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the German Protestant Orphan Asylum Company," approved January 9th, 1852, be, and the same is hereby, amended as follows: said corporation is empowered to contract and be contracted with, sue and be sued, and to have a common seal, and the same to break, alter, or renew at their pleasure, and to loan the surplus funds of said corporation at interest, and to take and hold as security therefor personal liability or mortgages on real estate in this State.

§ 2. This act shall take effect from its passage.

Approved March 16, 1878.

CHAPTER 507.

AN ACT for the benefit of Elijah Hogan, sheriff of Gallatin county.

WHEREAS, William Jones, late sheriff of Gallatin county, became embarrassed and involved in financial difficulties, and failed to pay into the Treasury the full amount of the revenue collected by said Jones; and whereas, said Jones failed and refused to execute a revenue bond at the time required by the law, and the office was declared vacated, and the county court of said county appointed Elijah Hogan as sheriff of said county, who, in the latter part of January, 1878, appeared in said court and accepted and qualified, and gave bond as such sheriff of said county; and whereas, there is now much difficulty and confusion in regard to the amount of revenue collected by said Jones, and how much remains uncollected; and whereas, said Hogan, present sheriff, is inexperienced in the discharge of the duties of sheriff of a county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two months be granted to Elijah Hogan, sheriff of Gallatin county, in which to collect and pay into the State Treasury the revenue of the county of Gallatin for the year 1877: *Provided*, That the sureties on said Hogan's revenue bond appear in the county court of said

county and acknowledge and consent of record that said time may be granted to said Hogan.

§ 2. This act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 509.

AN ACT for the benefit of W. J. Paxton, committee of Josephine Workman, an adjudged pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of W. J. Paxton, of Green county, for six dollars and twenty five cents, for keeping and caring for said pauper idiot from December 1st, 1876, to January 1st, 1877, the said amount having been allowed upon proof made before the Green criminal court, though not paid by the Auditor, as a new inquest should have been held at the November term of the Green circuit court, 1876, but was not held until July term of the Green criminal court, and the said Paxton was caring for and providing for said idiot during said month, under his appointment as committee, believing the State would pay him for the same.

§ 2. This act to take effect after its passage.

Approved March 16, 1878.

CHAPTER 510.

AN ACT to amend an act, entitled "An act to incorporate the Second Presbyterian Church of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Second Presbyterian Church, Louisville, is hereby authorized and empowered to issue bonds, not exceeding twenty thousand dollars in amount, to replace or pay bonds heretofore issued; and said bonds may be issued at different times and in different amounts, as the bonds heretofore issued may fall due; and said corporation may execute and deliver mortgages upon its property in the city of Louisville, to se-

cure the payment of said bonds and interest. Said bonds shall bear any rate of interest not exceeding eight per cent. per annum, and run not more than thirty years.

§ 2. Said corporation, as to the manner of issue of said bonds, shall be governed by the last amendment to its charter authorizing the issual of bonds approved.

§ 3. This act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 511.

AN ACT to incorporate Horeb and Carrick Turnpike Road Company, in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators.

§ 1. That Geo. W. Headley, John A. Carrick, R. H. Beatty, William Nutter, Wm. Carrick, Robert Nutter, Jasper Offutt, Edward Ward, James W. Smith, Thos. Carrick, B. D. Peter, D. C. Vance, H. W. Inskeep, J. O. Sprake, C. C. Moore, Capt. James Cantrill, Jas. Keiser, and their associates and successors, be, and they are hereby, created a body-politic and corporate, for the purpose of carrying on the business of a turnpike road company, under the name and style of the Horeb and Carrick Turnpike Road Company; and by that name and style shall have perpetual succession, and the right to contract and be contracted with, sue and be sued; to have a common seal, and shall have all other rights, privileges, and powers conferred upon similar corporations by chapter fifty-six of the General Statutes, so far as the same are applicable thereto.

Name and style and corporate powers.

Empowered to construct a turnpike road.

§ 2. That the said turnpike road company shall have the power, under the supervision of a competent civil engineer, to construct a turnpike road from a point on the Lexington and Newtown Turnpike Road, in Fayette county, where the Ironworks road crosses said pike, known as Taylor's Cross-roads. along the bed of said Ironworks road to Horeb Church; thence along the general direction of the New Cut road to the Valley school-house; thence along the most practicable and available route to some point on the Horne's Mill road, near B. F. Dorsey's home farm, in Scott county, Kentucky.

Width and grade of road.

§ 3. That the road-bed for said pike shall not exceed thirty feet in width, except where a greater width shall be necessary

for the construction of said road. The grade shall be of a width of twenty-two feet on top. The metal shall be sixteen feet wide, twelve inches deep in the center, and eight inches on either edge. Suitable bridges and culverts shall be built. The rise and fall of the grade shall not exceed three degrees.

§ 4. That the capital stock of said company shall not exceed twenty-five thousand dollars. Capital stock.

§ 5. That said company shall not subject itself to a greater amount of liability or indebtedness than ten thousand dollars Company not to subject itself to a liability of more than \$10,000.

§ 6. That the private property of stockholders shall be exempt from corporate debts Private property exempt from corporate debts.

§ 7. That the affairs of said company shall be managed by a president and four directors, one of whom shall act as secretary and treasurer, who shall be annually elected by and from among the stockholders on the first Saturday in April in each year, and shall hold office until their successors shall have been duly elected; and they shall have power to fill all vacancies that may occur among themselves until the succeeding annual election. Affairs of company—by whom managed.

§ 8. That the stockholders in this company shall meet and organize at pleasure after the passage of this act. When company may organize.

§ 9. That fifty dollars shall constitute a share of stock in this company, and in the election of officers and voting on all important matters, each share shall constitute a vote, and can be cast by the holder or written proxy. \$50 to constitute a share of stock.

§ 10. The company shall meet at a point most convenient to a majority of the stockholders until the said company shall have acquired a toll-house; then, and after that time, the meetings shall be held at said toll-house. Where meetings shall be held.

§ 11. That upon the passage of this act, any two or more of the above incorporators may open books for subscriptions to the capital stock of said company; and after the organization of the company, the said president and directors shall not call for more than thirty per cent. of said stock at any one time, nor shall they call oftener than once in sixty days. Who may open subscription books.

§ 12. That the president and directors shall have power to make such by-laws for the management of the affairs of said road as they may deem necessary, provided that the same are not inconsistent with this act or the Constitution and laws of this State or of the United States. May make by-laws.

§ 13. That so soon as two and a half miles of road shall have been completed and accepted by the county commissioners, the said president and directors may erect a toll-gate and collect tolls in accordance with the laws of Kentucky.

May erect a toll-gate.

§ 14. That this act shall take effect from and after its passage.

Approved March 16, 1878.

CHAPTER 512.

AN ACT to incorporate the Pendleton Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. G. Coleman, J. W. Robbins, J. J. Brown, Richard Mann, Alexander Caldwell, Jacob Carnes, and W. M. Applegate, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Pendleton Agricultural and Mechanical Association, with perpetual succession; with full power to receive, acquire, and hold by purchase, lease, gift, subscription, or otherwise, any and all lands, moneys, and estate, real or personal, for the purposes hereinafter stated; to sell, transfer, or convey the same; and under said name may, in their corporate capacity, sue and be sued, plead and be impleaded, in any court of law or equity; and may have and use a common seal, and alter or abolish the same at pleasure.

Corporators.

Name and style.

Corporate powers.

Board of commissioners to transact business and receive subscriptions of stock.

§ 2. That any three of the above named persons shall constitute a board of commissioners *pro tempore* to transact any business in the interest of said association, and may, within five years from the date hereof, open books for the subscription of stock; and whenever three thousand dollars are subscribed, at their discretion, may call a meeting of the stockholders for the election of a board of seven directors to serve for one year, and until their successors are duly elected and qualified; and the said stockholders shall hold a similar meeting annually thereafter on the fourth Saturday in October; but if, from any cause, they fail to hold an election on that day, the board of directors incumbent may, at their discretion, call a meeting for that purpose on any day they deem expedient, by giving notice twenty days previous thereto in

any newspaper printed in Pendleton county, or by mailing written or printed notices to the several stockholders; and may, by giving similar notice, call a meeting at any time for any purpose in their judgment necessary to the interests of said association.

§ 3. That the objects of said association shall be the promotion, improvement, development, and encouragement of the agricultural and mechanical interests of Pendleton county; and for the purpose of advancing said interests, the board of directors may hold one or more exhibitions, annually, offering such premiums and awards as in their judgment are conducive thereto.

Objects of association.

§ 4. That the capital stock of said association shall be five thousand dollars, liable to increase, if desirable, to twenty thousand dollars, to be divided into shares of fifty dollars each, to be paid or transferred, or otherwise controlled, as provided in the constitution and by-laws thereof.

Capital stock.

§ 5. That the prudential, financial, and other concerns of said association, together with all its property and estate of any and every kind, shall be under the control of the president and directors, who shall have power to make and adopt such a constitution, by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, and alter, amend, or repeal the same at pleasure, as in their discretion are necessary to the management, or conducive to the interests of said association; and may require of stockholders to affix their respective signatures to said constitution, by-laws, &c., as fully consenting to the terms thereof, and conditional to the ownership of stock in said association.

Business of association to be under control of president and directors.

§ 6. That the board of directors, a majority of whom shall constitute a quorum, shall elect one of their number president, whose vote in all cases of tie shall be decisive; and the board of directors shall have power to fill vacancies occurring in their body by death, removal, resignation, or otherwise, by election from the stockholders; and they shall have power to elect a treasurer, one or more vice presidents, and one or more secretaries, and such other officers as may be necessary to the interests of said association; and may require of all its officers bond, with security, for the faithful discharge of their respective duties.

President to be elected by a majority of directors.

§ 7. That for and during the days on which said association may hold its exhibitions, the board of directors may, for

May rent or lease ground to exhibitions and for booths, &c., during days on which association holds exhibitions.

satisfactory consideration, rent or lease to, and have exclusive control over, shows; menageries, minstrel troupes, curiosities, swings, booths for refreshments, sale stands, and similar institutions, the privilege of exhibiting within their grounds with exemption from taxes, fines, license, State or municipal: *Provided*, That said board of directors shall not allow within their grounds, or the vicinity thereof, any immoral exhibition, or any gambling or swindling devices, or the sale or gift of any intoxicating liquors.

Persons prohibited from erecting any booth, shed, &c., within 300 yards of grounds

§ 8. That for and during the days on which said association may hold its exhibitions, no person shall, without the consent of the board of directors first had and obtained, erect on any lot or land, road, street, or alley within the distance of three hundred yards of the boundary of the grounds owned or leased by said association, any booth, stall, or shed, or station any stable, stand, wagon, cart, or other vehicle for the sale or gift of any refreshments, confections, cakes, cider, fruit, melons, intoxicating drinks, &c. (except in the town of Falmouth); and any person who shall violate the provisions of this act shall be liable to a fine of not less than ten, nor more than twenty dollars, for each separate act of selling, to be recovered by a warrant from, and tried before, any police judge, justice of the peace, or the county judge of Pendleton county; and all fines so recovered shall be for the benefit of said association.

Board empowered to remove any booths, &c., erected within the distance aforesaid.

§ 9. That the board of directors aforesaid shall have power to remove any booth, stall, shed, table, stand, wagon, cart, or other vehicle, on or at which any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, &c., are sold, or offered to be sold, within the distance aforesaid of the grounds of said association, without the consent of the board of directors aforesaid first had and obtained; and they may also, by their marshals and police, arrest any disorderly person within their grounds, or the distance thereof aforesaid, who may annoy or disturb the crowd in attendance, or obstruct the gates of entrance, or otherwise interfere with their exhibitions, and bring them summarily before any police judge, justice of the peace, or the county judge of Pendleton county, to be dealt with according to law.

Trespass on grounds prohibited, and penalty therefor.

§ 10. That any person who shall at any time trespass on the grounds owned or leased by said association by hunting, shooting, fishing, gaming for money, or by lewd or immoral

conduct, or by marring, defacing, or otherwise injuring its trees, shrubbery, ornaments, buildings, or other property, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars; or, in default of payment of whatever fine may be imposed, imprisonment in the county jail, at hard labor, for not less than ten days, such fine recoverable by warrant in the name of the Commonwealth from any police judge, justice of the peace, or the county judge of Pendleton county, or by indictment in the Pendleton criminal court; and in case of a warrant from a justice, it shall be the duty of the county attorney to prosecute; and in case of indictment, it shall be the duty of the Commonwealth's attorney to prosecute, such attorney to have twenty-five per cent. of all fines collected, provided he prosecutes as herein required; and all fines collected under this act (less prosecuting attorneys' fees) shall be for the benefit of said association.

§ 11. This act shall take effect and be in force from its passage.

Approved March 16, 1878.

CHAPTER 513.

AN ACT to incorporate the town of Bethlehem, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Bethlehem, in Henry county, be established and incorporated with the following boundary: beginning at a point in the Bethlehem and Lockport Turnpike Road, corner to Dr. E. T. Long; thence with his line, and the line of John Rephart, westward, to corner of Long, in Rephart's field; thence in a north direction with W. S. Hall's line, across the main road, to the north corner of John L. Woodfield, in E. F. Ditto's field; thence in an eastward direction to the northeast corner of the property occupied by Winford Jessee; thence in a southeast direction to a stake, a corner established at corner of Long & Woodfield's lot; thence in a westward direction to the beginning. Boundary.

§ 2. That John Sewell, Billy Magruder, and Dr. E. D. Jones, be, and are hereby, appointed trustees of said town, who shall choose one of their number chairman; and a majority shall

Trustees appointed, who shall elect one of their number chairman.

constitute a quorum; and they shall hold office until the first Monday in August, 1878, and until their successors are elected and qualified; and at that time their successors shall be chosen by the qualified voters of said town, and same day each succeeding year thereafter the aforesaid number of trustees shall be chosen in the same manner; and they are hereby authorized to increase the number of trustees to five.

Police judge to
be elected.

§ 3. That the qualified voters who vote for trustees on the 1st Monday in August, 1878, and every two years thereafter, may elect a police judge for a term of two years; and they shall, at the same time and place, and in the same manner, elect a marshal for a term of two years.

Jurisdiction of
police judge.

§ 4. Said police judge shall have the same jurisdiction, concurrent, criminal, legal, penal, and equitable, with justices [of the] peace within town limits; and shall have the same fees, rights, duties and liabilities as magistrates in Henry county, including jurisdiction over all claims arising under the by-laws and ordinances of said town.

Trustees may
enact ordinances
and necessary
by-laws.

§ 5. Said trustees may enact ordinances, and all needful by-laws and regulations for the government of said town, and annex fines for their violations, not exceeding magistrates' jurisdiction. Shall have power to levy and collect tax on tithes, not exceeding one dollar, or less than fifty cents; also on real estate and personal property in said town, not exceeding twenty-five cents on the one hundred dollars' worth of property.

Marshal to ex-
ecute bond.

§ 6. The marshal of said town shall give bond in sufficient sum, with surety approved by the trustees, for the safe-keeping and accounting for all moneys he may receive belonging to said town, to be made payable to said trustees. Said marshal shall have the same powers, duties, fees, and liabilities, within the limits of said county, as constables in Henry county.

Trustees not to
license sale of
spirituous liquors
&c.

§ 7. The trustees of said town shall have no power to license the sale of spirituous, vinous, or malt liquors, or any mixture of either; but they shall have power to prohibit the sale within the limits of said town, by any person or persons, or by any druggist or apothecary, of spirituous, vinous, or malt liquors, or any mixture of either.

Term of office,
and vacancies—
how filled.

§ 8. All officers shall hold their offices for the time for which they are elected, and until their successors are elected and qualified; and the trustees shall have power to fill vacan-

cies in their body by appointment, until next annual election; and they shall cause an election at any time to fill vacancies in the office of police judge or town marshal.

§ 9. It shall be the duty of said trustees to open and keep the streets in repair whenever necessary, and in so far as the money obtained by taxation, fines, and other ways, collected in pursuance of judgment of police court for a violation [of] by-laws and town ordinances, all such sums shall be held under the control of the trustees, and shall be used for the aforesaid purposes, and for other improvement that may in time be necessary.

May open streets and keep them in repair.

§ 10. All persons entitled to vote for Representative shall be qualified to vote, if living or owning property in said town.

Qualification of voters.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 16, 1878.

CHAPTER 514.

AN ACT for the benefit of Timothy Sullivan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund are hereby authorized to purchase for the State of Kentucky the property of Timothy Sullivan, adjoining the north wall of the penitentiary warehouse, at a price not exceeding fifteen hundred dollars.

§ 2. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of said Timothy Sullivan for a sum not exceeding fifteen hundred dollars, when the Commissioners of the Sinking Fund shall have purchased said property, provided the title to the same is made good.

§ 3. This act to take effect from its passage.

Approved March 16, 1878.

CHAPTER 516.

AN ACT to incorporate the Corinth Turnpike Road Company, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and style
and corporate
powers.

§ 1. That the subscribers to the capital stock of the Monterey and New Columbus Turnpike Road Company, whose subscriptions were used in constructing said road from Corinth, in Grant county, to the Owen county line, a distance of about two and a half miles, are hereby incorporated, under, the name and style of the Corinth Turnpike Road Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places, and may have and use a corporate seal.

Business affairs
—by whom man-
aged.

§ 2. The prudential, fiscal, and business affairs of said company shall be controlled and managed by three directors who shall be elected annually by said subscribers, at a meeting to be held in Corinth, on ten days' notice, to be given by the president of said board of directors, by posting the same in at least two of the most public places in said town: *Provided*, The notices for the first election under this act may be given by any one of said subscribers.

Directors to des-
ignate one of
their number as
president.

§ 3. Said board of directors shall designate one of their number, who shall be president of said board and of said company.

Empowered to
construct & keep
in repair road.

§ 4. Said board shall have power to construct, complete, and control and keep in repair so much of said road as is in Grant county, to erect a toll-house and gate thereon, to charge and collect toll not exceeding the rates allowed by the general laws of this State.

May borrow
money and issue
bonds to pay
same.

§ 5. To carry into effect the powers herein granted, said board of directors may borrow money, not exceeding one thousand dollars; and to secure payment of the same, may execute the bond or bonds of the company, or mortgage the road, as they may deem proper.

§ 6. Nothing in this act shall be construed as affecting the rights, privileges, or franchises of the Monterey and New Columbus Turnpike Road Company, or impairing its rights to collect subscriptions to its capital stock.

§ 7. This act shall take effect and be in force from its passage.

Approved March 16, 1878.

CHAPTER 517.

AN ACT revising and amending an act, entitled "An act to incorporate the town of Prestonsburg," approved March 9th, 1867, and amendments thereto reducing them into one.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Prestonsburg, in the county of Floyd, be, and is hereby, incorporated, with the following limits, to-wit: beginning on the bank of Sandy river, at the low-water mark at the upper wing dam, opposite the mouth of Abbott creek, running up the bank and crossing the bottom, so as to include Samuel May's residence, to a beech tree on the top of the grave yard point; thence a straight line to the top of the hill at the head of the Haunted branch; thence down the branch to the river; thence with the meanderings of the river to the beginning; and R. S. Friend, John G. Johns, H. F. Neal, John W. Layne, and F. A. Hopkins, are hereby appointed trustees of said town, and shall hold their office until the first Saturday in June, 1878, and until their successors are elected and qualified.

§ 2. On the first Saturday in June, 1878, and upon the same day in each year thereafter, five trustees shall be elected for said town, who, with their successors in office, are hereby created a body corporate and politic, under the name and style of the Trustees of the Town of Prestonsburg; and under that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; and may buy, sell, and convey real estate, both within and outside of the corporate limits of said town, for church, school, and cemetery purposes.

§ 3. The county judge of Floyd county shall appoint two judges, one clerk, and a sheriff, citizens of the town of Prestonsburg, to hold the election on the first Saturday in June, 1878, and every year thereafter, for trustees, police judge, and town marshal of said town; and the certificate of the clerk and sheriff shall be evidence of the election. The polls shall be opened at seven o'clock in the morning and closed at six o'clock in the evening. Said judges, clerk, and sheriff shall, before entering upon the duties of their offices, take an oath before some one authorized to administer the same, that they will faithfully discharge their duties as such. If, from any cause, any of the foregoing officers fail or refuse to act, or the county judge fail or refuse to make said appointments,

then the police judge shall fill their places by appointment of others.

§ 4. All qualified voters living inside of said corporate limits, or any qualified voter owning real estate within the corporate limits, shall be entitled to vote in the election of trustees or other town officers.

§ 5. The trustees shall continue in office for one year, and until their successors are duly elected and qualified, and shall take an oath before some person authorized to administer the same faithfully to attend to all the duties of their office. They shall, at their first meeting after qualification, elect one of their number chairman of the board of trustees, who shall preside over the deliberations of the body. They shall elect a clerk, who shall enter at large upon a book kept for that purpose the proceedings of each meeting. They shall elect a treasurer, and take bond, with security, to be approved by the chairman of the board of trustees; and for violation or neglect of duty on the part of any officer of said town, they may be proceeded against before any tribunal having jurisdiction thereof.

§ 6. The trustees of said town shall have power to levy a tax not exceeding two dollars on each poll within its corporate limits, and not more than twenty-five cents on each one hundred dollars' worth of taxable property in said town.

§ 7. The county judge of Floyd county, the trustees of the town of Prestonsburg, and all other persons, are hereby prohibited from granting a license to any person or persons to sell, vend, or traffic in any spirituous, vinous, or malt liquors within one mile of the Prestonsburg Academy and Normal School building, which is situated in said town.

§ 8. Any person who shall sell, vend, or traffic in any spirituous, vinous, or malt liquors within one mile of the said Prestonsburg Academy and Normal School building, and not within the corporate limits of said town, shall be liable to all the pains and penalties imposed by the general laws of this State against keepers of tippling-houses and other retail dealers of such liquors.

§ 9. The board of trustees shall have power to pass such by-laws and ordinances for the government of said corporation, not inconsistent with the Constitution and laws of this State, as to them shall seem fit; and shall have power to fix such penalty against illicit retail dealers in spirituous or malt

liquors, wine, or intoxicating drink, within said corporation, as they may think proper: *Provided*, The same shall not be less than twenty dollars nor more than fifty dollars for each offense; and each act of selling shall constitute a separate and distinct offense.

§ 10. That the board of trustees shall order an election to be held on the first Saturday in June, 1878, giving ten days' previous notice, either written or printed, posted at three public places in said town, for a police judge and town marshal; and the police judge shall be elected on the same day, subject to the same rules, every two years thereafter, and hold office for and during the term of two years, and until his successor is elected and qualified. The town marshal shall be elected at the same time the police judge is elected, and on the same day every year thereafter, and shall hold office for and during the period of one year, and until his successor is elected and qualified. They shall take the oaths and execute bonds, and in all respects be liable as county judges and constables are liable.

§ 11. The poll-book of said election shall be certified by the officers of said election, and returned by the clerk to the judge of the Floyd county court at its first term after said election, and the result shall be certified by the judge of said court to the Secretary of State; and the Governor shall issue a commission to that person who may have been elected police judge, who shall take the same oath and execute the same bond as the county judge; and in all civil cases shall have jurisdiction concurrent with the quarterly court, be subject to the same rules and regulations, and be entitled to the same fees as judges of quarterly courts. In all criminal cases arising throughout the county he shall have concurrent jurisdiction with the judge of the county court for the purpose of holding examining courts, and be entitled to the same fees as county judges, and shall have exclusive jurisdiction of all penal offenses committed within the limits of said incorporation and for all infractions of the town ordinances.

§ 12. The police judge shall hold a court for the trial of civil causes on the first Monday in January, March, May, July, September, and November of each year; and all warrants or process in civil causes issued by him shall be returned for trial before him, unless the defendant shall otherwise direct, in writing, signed by him and indorsed on said war-

rant or process. Said judge shall keep a record of his proceedings, a certified copy of which shall be evidence in any court of this Commonwealth.

§ 13. The town marshal shall execute all process issued by the police judge of said town, and be entitled to the same fees as constables for similar services; he may execute any process that a constable may execute, and have concurrent jurisdiction throughout the county with constables, and shall have the same fees for his services in all cases as constables are now allowed by law for similar services.

§ 14. Either party shall have the right of appeal from any judgment of the police court to the circuit court, where the amount in controversy is five dollars or more, exclusive of costs; the manner of taking appeals shall be regulated as now provided by law in similar cases.

§ 15. A majority of the trustees of said town shall constitute a quorum to do business, and shall have power to fill any vacancy by appointment that may occur in the office of trustees. Said trustee so appointed shall hold his office until the next regular election for trustees, and until his successor is elected and qualified; and in case the office of police judge or town marshal shall be vacated by death or otherwise, the trustees shall proceed to order an election for said officers, giving ten days' previous notice of said election, appointing the necessary officers to conduct it, in all respects as hereinbefore provided for; and the police judge and town marshal so elected shall serve until the next regular election.

§ 16. The trustees of said town shall have power to open the streets and alleys of said town to their original limits as laid down in the plat of said town now on file in the clerk's office in said county.

§ 17. All acts heretofore passed incorporating the said town of Prestonsburg are hereby repealed.

§ 18. This act shall take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 518.

AN ACT for the benefit of M. B. Judy, late marshal of the town of Owenton, Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor draw his warrant on the Treasurer in favor of M. B. Judy, late marshal of the town of Owenton, in Owen county, for the sum of thirty-one dollars, for expenses of horse hire, toll, and feed for a posse of twelve men paid by said Judy on the 7th day of September, 1876, attending at Sparta, Kentucky, for the purpose of suppressing apprehended disturbance from the Tom Allen and Joe Goss prize fight, said expenses being paid under order of the Owen county judge under directions from the Governor.

§ 2. That this act shall be in force from its passage.

Approved March 16, 1878.

CHAPTER 519.

AN ACT to authorize and empower the county of Muhlenburg to compromise and fund its outstanding bonded indebtedness, issue bonds, and levy and collect taxes to pay the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Muhlenburg is hereby authorized and empowered to compromise and fund its present outstanding bonded indebtedness, and to redeem and cancel all bonds and unpaid coupons evidencing the same, whether due or to become due, and whether merged into judgment or not, by the issue, negotiation, and delivery to the holder or holders of its said bonds and coupons or judgments, who agree to receive the same, of the bonds of said county, of the denominations of fifty dollars, one hundred dollars, and five hundred dollars, to bear date July 1, 1878, and to mature twenty years thereafter, and to bear interest from date, payable semi-annually, at a rate not to exceed six per cent. per annum; the semi-annual installments of interest to be represented by coupons attached to the bonds. The bonds and coupons to be payable to bearer at any incorporated bank in the city of New York.

The said bonds shall be signed by the county judge of said county, and attested by the clerk of the county court of said county, with the seal of said county affixed, and the coupons signed by the clerk of said court only. At any time after five years from the date of said bonds, the said county shall have the right to pay, call in, and redeem any or all of them.

§ 2. The powers of the said county to compromise and fund its said indebtedness, and to redeem and cancel the said evidences of the same, shall be vested in a board, to consist of as many members as there are or may be justices' districts in said county, and of the county judge of said county, and to be styled and known as "The Funding Board of Muhlenburg County." The qualified voters in each of said districts shall elect one member of said board. The first election shall be held at the voting place in each district on the first Saturday in May, 1878. Thereafter the elections shall be held on the day fixed by law for the election of constables. Members of the board elected at the first election shall hold office one year, and until their successors are elected and qualified. Members elected at subsequent elections shall hold office two years, and until their successors are elected and qualified. No person shall be elected or appointed a member of said board unless he be a citizen of the United States, at least twenty-four years of age, nor unless he has resided within said county two years next preceding his election or appointment. Any vacancy occurring in said membership shall be filled by appointment by the county court. If said districts, or any or either of them, fail to elect, the county court shall appoint the member or members necessary to fill the board. In March, 1878, the county court shall appoint two discreet voters in each district as judges, and a clerk, who, with the sheriff, or one of his deputies, shall hold the first election. The sheriff shall, at least five days before the election, give each judge and clerk written notice of his appointment. Each of said clerks shall be furnished with a poll-book by the county clerk. In other respects said election, and, in all respects, subsequent elections of members of said board, shall be

conducted, returned, and certified as in the election of constables.

§ 3. The county judge of said county shall, by virtue of his office, be a member as well as the president of said board. He shall preside at all meetings of the board, decide points of order, enforce decorum, and punish for contempts. He may call and convene special sessions of the board. If the county judge is absent or cannot preside, the board shall elect another of their members as president *pro tem*.

§ 4. The board shall meet the first and third Tuesdays in each month, and oftener if their business requires it, and shall meet upon their own adjournments, and determine their own rules of procedure. They shall designate by ordinance the time and place of their regular meetings. A majority of the members of the board shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members. Upon any question voted upon by the board, any member shall have the right to call for the yeas and nays, and have the same recorded.

§ 5. The board shall keep or cause to be kept a correct journal of their proceedings. They shall have power to contract with any holder or holders of any of the evidences of indebtedness hereinbefore mentioned, for the surrender and cancellation of the same, whether due or to become due, and to cause to be issued and delivered in lieu thereof, by order entered of record upon the book wherein all their proceedings shall be faithfully and correctly recorded, the bonds of the county authorized to be issued under this act, or to purchase the same at such cash price as may be agreed on. They shall also keep another book, which shall at all times show the number and denomination of each and every bond issued and delivered by their order to any creditor of the county, together with a statement of the number of the interest coupons, if any, detached therefrom before or at delivery. They shall also keep another book, which shall at all times show the number and denomination of each and every bond and coupon redeemed and canceled under this act,

with a full description thereof; and said bonds and coupons, and all coupons detached from bonds issued under this act, shall be burned by the board in the public square in Greenville. Said books shall at all times be open for public inspection.

§ 6. In January in each year the board shall cause a certified copy of the record of their proceedings during the preceding year, a like copy of their record of the bonds issued and delivered by their order, and a like copy of their record of the bonds redeemed and canceled, to be filed in the county court of said county; and the court shall have the same entered of record by the clerk thereof in suitable books, to be kept in his office as public records.

§ 7. That to pay the accruing interest on the bonds issued under authority of this act, and to provide a sinking fund for their redemption after five years or at maturity, an annual tax shall be levied by the county court of said county upon all the real and personal estate in said county, including all amounts given in under the equalization law, subject to taxation under the general laws of this Commonwealth. Said county shall have a lien on all property taxable or taxed under this act, and on all other property of each tax-payer, for the payment of all taxes payable by such tax-payer, which shall not be defeated by gift, devise, sale, alienation, or any means whatever.

§ 8. The sheriff of said county, by virtue of his office, shall be the collector of said taxes; he shall, at the term of the court when said taxes are levied or imposed, or at any subsequent term of the court before he proceeds to collect the same, execute a separate bond, payable to the Commonwealth of Kentucky, with one or more good and sufficient sureties, to be approved by said court, whose aggregate estate subject to execution, after payment of all their debts and liabilities, shall be equal to double the amount of the whole of the taxes to be collected by him, in form substantially as follows: We, A B, sheriff of Muhlenburg county, and C D and E F, his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky that the said A B shall well and truly col-

lect, account for, and pay over to the person entitled to receive the same, according to law, the county taxes of said county for the year —, levied and imposed under authority of an act to authorize and empower said county to compromise and fund its outstanding bonded indebtedness; that he shall truly report, as required by law, all taxes collected or received by him or his deputies, and pay over the same according to law; and in all things well and truly demean himself and perform the duties of collector of said taxes of said county.

§ 9. In case the sheriff shall fail, for any reason, to give said bond, or to renew his bond, or to give additional security when required so to do by said court, the said court shall appoint a special collector of said taxes, who shall, before entering on the discharge of his duties, take an oath faithfully to perform them, and execute such bond, with such surety in said court, as is required in the last preceding section. The collector may, with the consent of the county court, appoint one or more deputies; he and his sureties shall be liable for their acts as such, and their liabilities to him shall be the same as that of deputy sheriffs to their principal. The said county shall have a lien, from the date of the bond required herein, upon the real estate of the sheriff or collector then owned or afterwards acquired by him, which shall not be discharged until a quietus is obtained for all the taxes he is bound for under this act.

§ 10. The sheriff or collector, from and after the first day of June in each year, shall collect the taxes levied or imposed under authority of this act, in the same mode, with the same powers, duties, and responsibilities, and for the same commissions given and allowed the collectors of the public revenue, and report, under oath, every month, to the county court, the full amount collected or received by him, and pay the same, less his commissions, over immediately, and shall account for and pay all taxes for which he is bound into the county treasury by the first day of April in each year. The county court shall, in the month of October in each year, and oftener, if it be

advisable, cause a settlement of the sheriff's or collector's accounts, concerning the taxes under this act, to be made and reported to court, and in the month of April thereafter shall cause a final settlement to be made and reported to court; said court shall, if necessary, hold special sessions in said months to cause said settlements to be made. Any person or persons failing to pay their taxes levied or imposed under this act, by the first day of April in the year following the assessment or levy, shall pay ten per cent. additional on the tax so due and unpaid. Any sheriff or collector who shall fail to report, as herein required, shall be liable to indictment in the Muhlenburg circuit court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, the fine, less costs and fees, to be collected and paid into the county treasury for the purposes of this act. The county court, in the final settlement with the sheriff or collector, shall charge him with the ten per cent. accruing under the provisions of this section. Any sheriff or collector who shall fail to collect or pay over the taxes as provided herein, shall, with his sureties on his bond, be liable, by motion or notice served not less than ten days, or by action in the name of said county, in the circuit or common pleas court of said county, in which motion or action the said county shall recover of such sheriff or collector and his sureties the amount due the county, with interest from the time it should have been paid, the costs of the motion or action, and ten per cent. damages on the amount found due and recoverable. Judgments in the name of said county against any sheriff or collector, their sureties, or the heirs, devisees, or personal representatives of any of them, shall bind the estate, legal and equitable, of all defendants to said judgments, from the commencement of the motion or action till satisfied. No execution thereon shall be stayed by replevin or sale on credit; but in all such cases the estate taken shall be sold for money. Officers and their deputies failing to levy executions in the name of the county, or withholding any such execution, and not making return thereof for

one month after the return day, or failing to pay the money when collected, shall, together with their sureties, be liable by like motion or action for the amount of said execution, and twenty per cent. damages thereon. The county attorney of said county shall prepare and prosecute said proceedings. When the estate of the defendant in execution, upon judgment against any defaulting county officer, may be encumbered by a previous bona fide mortgage, deed of trust, or other encumbrance or prior lien, whereby the officer cannot legally levy the same, he shall make return of all the facts known to him, or of which he is informed, giving the date and consideration of such deed, to whom made, when recorded, the evidences of any prior lien, and the names of the parties who claim the same. The county attorney may institute proceedings in the name of the county against the parties in the county where the property is situated, or where the encumbrance was created, to have their claims and demands, if just, satisfied, and all encumbrances removed, and the proceeds of the sale of the estate rightfully applied. The said funding board may employ additional counsel to aid the county attorney in the preparation and prosecution of all proceedings instituted against defaulting officers, or to enforce payment of judgments against them, and by written contract stipulate with them for a reasonable compensation, not exceeding ten per cent. on the amount sued for. Neither the county attorney, nor any attorney at law employed by the funding board, shall receive the money due and owing to the county from any sheriff, collector, or other officer. There shall be added to all judgments rendered in favor of the county against defaulting officers two per cent. upon the amount thereof, except as to damages awarded, which shall be collected and accounted for by all collecting officers in the same manner and under like responsibilities as other moneys of the county collectable by them under this act. This sum, when received into the treasury, shall, upon the order of said board, entered in their book of proceedings, be paid to the county attorney as his compensation for his said

services rendered. It shall be the duty of the court to specify in the judgment the amount of this two per cent., and of the clerk to note the same upon any execution which may issue thereon. If the total amount of the judgment be not received into the treasury, there shall be paid to the county attorney his pro rata of whatever sum is received.

§ 11. It shall be the duty of the sheriff, or the collector of the taxes under this act, at the county court in January, in the same manner that the sheriff is required to do in relation to the return of his delinquent list of the public revenue, to return to the county court all delinquents in the payment of the taxes levied or imposed under authority of this act; and he shall, for all such as are allowed by the county court, be credited in his settlement with said court. Said court may relist the delinquents, or place the collection of same in hands of other persons, and the same shall be collected and accounted for as other public dues placed in their hands for collection.

§ 12. If, for any cause, the sheriff shall fail to execute the bond provided for in this act, and the county court failing to appoint a collector, the sheriff shall, in virtue of his office, proceed to collect the taxes levied or imposed under this act, he and his sureties shall, in all respects, and to all intents and purposes, be responsible upon his official bond.

§ 13. That for the purpose of receiving, keeping, and disbursing the money collected under this act, the county court shall appoint a treasurer of said county. No person shall be appointed such treasurer unless he be a citizen of the United States, at least twenty-four years of age, nor unless he has resided within said county two years next preceding his appointment. He shall, on or before entering upon the discharge of his duties, take an oath faithfully to perform them, and execute bond to the Commonwealth of Kentucky, with one or more good and sufficient sureties, worth at the time, jointly or severally, at least fifty thousand dollars, to be approved by the county court, and filed in the office of the clerk thereof, stipulating for the faithful discharge of the duties of his office, upon which, for

any breach thereof, proceedings may be instituted from time to time by and in the name of the county, or by and in the name any person aggrieved, by action or motion, in the circuit court or common pleas court of said county, or other court of competent jurisdiction, and recovery had to the extent of the damages sustained by the county, or to the extent of the damages sustained by the person or persons aggrieved. The treasurer shall have no right to pay the moneys received by him, or any part thereof, except in pursuance to the orders of the funding board, duly entered in the book in which their proceedings are recorded. The funding board shall furnish him a certified copy of each and every order of said board for the payment of money.

§ 14. The treasurer shall reside and keep his office at the county seat of said county. Upon the resignation of his office, or death or removal from office, the county court shall cause his accounts to be examined and stated, and the money in the treasury counted, and an inventory of the books, stationery, and implements of office taken, which shall be passed to his successor, who shall receipt for the same, which receipt, together with the statement and inventory aforesaid, shall be reported to said court, and entered of record therein. If the treasurer is sick and unable to discharge the duties of his office, or if he absents himself from the county, it shall be his duty to recommend, in writing, to the county judge, some suitable person to discharge the duties for him during such sickness or absence; and if the county judge approves the recommendation, he shall cause the same, with his approval, to be entered of record in the county court, after which, the person so recommended may perform the duties of treasurer until he is restored to health or returns to the county. The treasurer and his sureties shall be responsible on their official bond for the acts of the person thus appointed by the county judge. The treasurer shall not receive any money into the treasury from any collecting officer, or collector of taxes under this act, un-

less accompanied by the permit of the county judge, stating the amount to be received, on what account, and from whom to be received. He shall immediately make out a receipt for the amount received, and for what, and of whom received, and deliver it to the officer or person of whom received.

§ 15. The treasurer shall keep, in appropriate well-bound books, to be provided by him at the expense of the county, true accounts of all money paid into the treasury, by whom, when, and on what account. He shall keep the accounts of the sinking fund for the redemption of the bonds issued under this act distinct from the accounts of the fund for the payment of the accruing interest on said bonds; and in like manner he shall keep a true account of all sums paid out, when, to whom, and for what paid. He shall make a clear, distinct, and intelligible report of all money received and disbursed during each year ending the 31st December, which shall exhibit the receipts and disbursements for the year, which report he shall lay before the county court, at its ensuing January term, to be filed and entered of record in said court. He shall at all times, when called upon by the funding board, or the president thereof, or any commissioner appointed for that purpose by said board, exhibit his books and accounts and vouchers, and his cash on hand or in deposit.

§ 16. If the treasurer, or any person acting as treasurer, willfully misappropriate any of the money coming to or in his hands as treasurer, or as acting treasurer, or shall loan or use the same for his own purposes, or for the uses or purposes of another, he shall be guilty of felony; and upon indictment and conviction thereof, confined in the penitentiary for a period not exceeding ten years, at the discretion of the jury.

§ 17. The county court of said county shall have the right at any time to require the sheriff as collector under this act, or any special collector, to renew his bond, or to give additional security, and on his failure so to do, may, after due notice and investigation, remove him from office, and shall have the same right in relation to the treasurer.

§ 18. The members of the funding board shall each be entitled to receive not exceeding two dollars per day for each day he is in attendance at the meetings of the board, and the treasurer shall be entitled to such compensation for his services as may be prescribed by ordinance of the board, not to exceed five hundred dollars per year, payable quarterly. The rate of compensation to members of the board, and to the treasurer, within the limits aforesaid, shall be prescribed by ordinance of the board, and paid out of the treasury upon the order of the board, duly recorded in the journal of their proceedings.

§ 19. That for all the purposes of this act, the county court of said county, composed of the county judge alone, in case there be no justices of the peace of said county in commission, or in case a majority of them refuse to act or to concur with him, shall have full power and authority, and it shall be his duty, to levy and impose the taxes herein provided for; but this grant of power shall not extend to taxation for any other purpose whatever.

§ 20. Should the county court, held by the county judge and justices of the peace, or by the county judge alone, fail, for ten days after demand in writing, to levy and proceed in good faith to levy and collect a tax as provided in this act, then, and in that event, it is hereby made the duty of the circuit court, or judge thereof in vacation, upon being informed of such failure, and satisfactory proof thereof being made by any bona fide bondholder, or his attorney, to levy and have collected a tax sufficient to pay off the principal and semi-annual interest on past due bonds or coupons, issued in pursuance of the provisions of this act.

§ 21. This act shall take effect from its passage.

Approved March 18, 1878.

CHAPTER 520.

AN ACT for the benefit of W. M. Threlkeld, late sheriff of Livingston county.

WHEREAS, W. M. Threlkeld, late sheriff of Livingston county, made default for the revenue for the year 1874, which was due and payable into the State Treasury on the first day of April, 1875, and in June, 1875, judgment was rendered in the Franklin circuit court against said Threlkeld and his sureties for the sum of four thousand one hundred and thirty-five dollars and eighty-seven cents, with interest thereon at the rate of ten per cent. per annum from the first day of June, 1874, until paid, all of which judgment, interest, and costs have been paid by said W. M. Threlkeld; and whereas, the payment of ten per cent. interest on said judgment for ten months before said revenue was due and payable into the Treasury, amounting to the sum of three hundred and forty-four dollars and eighty cents, is a great hardship on said Threlkeld; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of said W. M. Threlkeld, for said sum of three hundred and forty-four dollars and eighty cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 521.

AN ACT to amend an act incorporating the Glasgow Grangers' Mutual Benefit Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to incorporate the Glasgow Grangers' Mutual Benefit Society be amended so as to read: The Glasgow Grangers', Farmers', and Mechanics' Mutual Benefit Society.

§ 2. That section three of said charter be, and the same is hereby, amended as follows: the board of directors shall have the power and authority to fix the fees for membership in said society, not to exceed, however, those mentioned in said section.

§ 3. All sections in said charter in conflict herewith are repealed.

§ 4. This act to take effect and be in force from its passage.

Approved March 18, 1878.

CHAPTER 522.

AN ACT for the benefit of M. G. Horton, sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. G. Horton, sheriff of Clay county, be allowed the sum of twelve per cent. for the collection of the revenue of Clay county for the year 1878.

§ 2. This act shall take effect from its passage.

Approved March 18, 1878.

CHAPTER 523.

AN ACT in relation to taking a vote on the question of "license or no license," and regulating the sale of spirituous, vinous, and malt liquors in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the sheriff of Bracken county to open a poll at each of the voting precincts in said county, at the August election, 1878, to all the legally qualified voters at said election, to say whether or not they are in favor of the granting of license for the sale of spirituous, vinous, or malt liquors in said county, giving at least thirty days' notice of said vote before the said election, by advertising the same in some newspaper published in the county, or by printed posters in each precinct of the county; and it shall be the duty of the county court clerk of said county to prepare the poll-book for

that purpose, one column for the recording of the votes of those in favor of granting a license to sell spirituous, vinous, or malt liquors, and one column for recording of the votes of those against the sale of spirituous, vinous, and malt liquors; and the officers of the election shall propound to each voter the question for or against "license," and the clerk shall record the vote as directed either for or against the sale of spirituous, vinous, or malt liquors, as the voter may direct; and it shall be the duty of the examiners of the poll-books for said county to compare the same, and certify the same to the county court, and the court shall have the same entered upon its records.

§ 2. If it shall appear from the certificate of said examiners of the poll-books that a majority of those voting on the question at said election are in favor of granting a license to sell spirituous, vinous, or malt liquors, it shall then be lawful for the county court of said county, city councils, and boards of trustees of towns, in the exercise of a sound discretion, in said county, to grant a license to sell spirituous, vinous, or malt liquors; but if it shall appear, from the certificate of said examiners of the poll-books, that a majority of those voting on the question at said election are against the granting of a license to sell spirituous, vinous, or malt liquors in said county, then the county court of said county, city councils, and board of trustees of towns, shall not have power to grant license to any person to sell spirituous, vinous, or malt liquors in said county, any existing law to the contrary notwithstanding; and if the county court of said county, mayor and council of any city, or board of trustees of said county, should grant a license to sell spirituous, vinous, or malt liquors after the certificate of the examiners shall have been returned and entered of record, as hereinbefore provided, and showing that a majority of all those voting on the question "license" or no "license" were opposed to the sale of spirituous, vinous, or malt liquors in said county, such license shall be deemed and held as void and the party or parties claiming the right to sell by virtue of the same shall be subject to all the pains and

penalties denounced by existing laws, both general and municipal, against those who sell without a license.

§ 3. This act shall not prevent druggists selling liquor for medicinal purposes, provided such sales are made in good faith upon the written prescription of some regular practicing physician; and should any prescription be given other than for medicinal purposes, or sold to a person in the habit of becoming intoxicated, or intoxicated, or to an inebriate, said prescription shall be no protection to said druggist or to his clerk; but they, or either of them, and the physician giving the prescription, shall, upon conviction thereof by a court having jurisdiction, be deemed and held guilty of retailing liquors without license, or of keeping a tippling-house, as the case may be, and punished as now provided by law for such offenses, and fined as directed by the General Statutes.

§ 4. This act shall take effect from and after its passage, but shall not affect the license of any person who has obtained a license for the sale of spirituous, vinous, and malt liquors prior to the passage of this act, during the time for which the same was granted.

Approved March 18, 1878.

CHAPTER 524.

AN ACT for the benefit of John B. Wickliffe, Charles Wickliffe, Martha Terrill, and L. M. Flournoy.

WHEREAS, John B. Wickliffe, Charles Wickliffe, Martha Terrill, and L. M. Flournoy are the owners of a tract of land known as the Peter Sheppard Survey, in Ballard county, Kentucky, containing about one thousand acres, on the Mississippi river, about two miles below Cairo, Illinois; and whereas, they are desirous of establishing a ferry on said land; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John B. Wickliffe, Charles Wickliffe, Martha Terrill, and L. M. Flournoy are hereby granted a ferry from the Peter Sheppard Survey, in Ballard county, Kentucky, to Cairo, Illinois, and to Bird's Point, in the State

of Missouri, and back to said ferry landing, in Kentucky, at such point or points, on the said Peter Sheppard Survey, as they may select; and this grant is to continue for the term of twenty-five years, at such rates of ferriage as may be established by the Ballard county court; and the owners of said ferry are hereby incorporated into a corporation for the term of twenty-five years, under the name of the Ballard County Ferry Company; and in that name may contract and be contracted with, sue and be sued; and shall have the right to grade, in such manner as they may think proper, one or more ferry landings, for the use of their ferry-boats, and may build or purchase one or more ferry-boats; and for that purpose, they are hereby authorized to issue and negotiate the bonds of said company in such sums, and bearing any rate of interest, not exceeding eight per cent. per annum, not exceeding ten thousand dollars, and to sell and negotiate the same as they may think best, the name of the company to be signed by S. H. Jenkins, who is constituted the agent of the ferry company for that purpose. The net earnings of said company are to be divided as follows: to John B. Wickliffe and Charles Wickliffe, one third; to Martha Terrell, one third; and to L. M. Flournoy, one third.

§ 2. This act shall take effect from its passage. That the parties to whom this ferry privilege is granted shall, before they proceed to run a ferry as herein granted, execute, before the Ballard county court, a bond, in the sum of three thousand dollars, conditioned according to law; and that no ferry shall be established within one mile of the ferry herein granted.

Approved March 18, 1878.

CHAPTER 525.

AN ACT for the benefit of John Dougherty, of Daviess county.

WHEREAS, It is represented to this body that John Dougherty, of Daviess county, is a man of family, and in bad health, and in indigent circumstances, and unable to labor from an incurable malady, and has no visible means of supporting himself and family; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said John Dougherty be, and he is hereby, authorized to peddle in Daviess county, without first obtaining therefor a license to do so as now required by law, and he is hereby exempt from the payment of all license fees as regulated by law.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 526.

AN ACT for the benefit of A. P. Mitchell, committee for Wyatt Mitchell, pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is, and he is hereby, directed to draw his warrant on the Treasurer of the State of Kentucky, for the sum of seventy-eight dollars and twelve and a half cents in favor of A. P. Mitchell, committee for Wyatt Mitchell, a pauper idiot of Allen county, Kentucky, to be paid out of any money in the Treasury not otherwise appropriated, being the amount due said idiot from the State by reason of no inquest being held at the exact time required by law.

§ 2. This act shall take effect and be in force from its passage.

Approved March 18, 1878.

CHAPTER 527.

AN ACT, entitled "An act to regulate the sale of spirituous, vinous, and malt liquors in the town of Taylorsville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That upon a written petition, signed by at least thirty of the legal property-holding voters in the town of Taylorsville, the judge of the Spencer county court shall immediately make an order on his order-book directing

the sheriff or other officer, whose duty it may be to hold said election, to open a poll at the usual voting place in said town; not less than fifteen nor more than thirty days after the making of said order, for the purpose of taking the sense of the legal voters in said town upon the proposition whether or not spirituous, vinous, or malt liquors shall be sold therein.

§ 2. It shall be the duty of the county court clerk to give to the sheriff or other officer, whose duty it is to hold the election, a certified copy of the order of said county judge as it appears on his order-book, immediately after the making of said order.

§ 3. The sheriff or other officer, whose duty it may be to hold the election herein mentioned, shall advertise the said order of the county judge by printed handbills, posted in at least ten conspicuous places in said town, at least ten days before the time fixed for said election, and to pay for printing and posting said advertisements, and the clerk's, sheriff's, and other legal fees. The persons petitioning for said election shall, at the time of filing said petition, deposit with the county judge a sufficient amount in money, otherwise said judge may refuse to make said order.

§ 4. It shall be the duty of said sheriff or officer to open a poll at the time and place fixed in said order, and the election officers shall propound to each person voting the question: "Are you in favor of the sale, by license, of spirituous, vinous, or malt liquors in this town?" and the vote of each person shall be recorded for or against it, as he directs. The poll shall be returned to the office of the county court clerk on the day succeeding said election, unless the same shall be Sunday, in which case it shall be returned on the Monday following, and it shall be then and there compared and examined by the county judge, clerk, and sheriff, or any two of them.

§ 5. If it shall be found that a majority of the legal votes cast at said election were given against the sale of spirituous, vinous, or malt liquors in said town, the examining board shall certify that fact, and the county judge

shall immediately have said certificate entered in full upon the order-book of the county court, and thereafter the sale of spirituous, vinous, and malt liquors in said town shall continue to be regulated by the laws now in force in said town.

§ 6. If it shall be found that a majority of the legal votes cast at said election were given in favor of the sale of spirituous, vinous, and malt liquors, by license, in said town, that fact shall be certified and the certificate recorded in the same manner as provided in section five of this act, and thereafter the sale of spirituous, vinous, or malt liquors in said town shall be regulated by the general laws in force upon that subject.

§ 7. This act shall be in force from and after its passage.

Approved March 18, 1878.

CHAPTER 528.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Gordonsville, in Logan county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to amend the charter of the town of Gordonsville, in Logan county," approved March 2, 1867, be, and the same is hereby, so amended that it shall be lawful, at the regular election for town officers of said town, to elect a police judge, whose jurisdiction shall be co-extensive with the magistrates of Gordonsville district in all cases or matters pertaining to the violation of the laws and ordinances of said town. Said section shall also be so amended as to give to the marshal of said town jurisdiction co-extensive with the constables of Logan county.

§ 2. This act shall take effect from its passage.

Approved March 18, 1878.

CHAPTER 529.

AN ACT to incorporate the Ruby Coal, Timber, and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Polk Laffoon, W. B. Parker, J. L. Baker, and C. W. Crabtree, their associates, successors, and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name and style of the Ruby Coal, Timber, and Transportation Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, both real and personal; and to sue and be sued, in all courts and places; to have a common seal; to engage in mining for coal, iron, and other minerals, and cutting and sawing timber, and preparing such minerals and timber for market, and transporting and selling them within and without this State, and to do other acts, and have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2: That said corporators may organize said company by the election of a president and board of directors, not exceeding five in number, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and this State.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each. Said company may issue bonds to an amount not exceeding one hundred and fifty thousand dollars, with seven per cent. interest coupons attached, which bonds shall be signed by the president and countersigned by the secretary of said company, and the coupons shall be signed by the secre-

tary, and mortgage any part or all of its property to secure the payment of same. Said bonds shall be made payable in not exceeding twenty years from their date, at such point or place as may be designated in the said mortgage, and the interest shall be made payable semi-annually.

§ 4. The said company may buy, lease, or rent any suitable lands, timber, or mineral lands, mines, mining privileges, rights of way, saw-mills and other manufacturing machinery, and other property and rights, such as they may deem necessary, and may dispose of the same, or any portion of the same, by sale or otherwise. They may receive real estate, leasehold estate, mining rights, the right to take timber and rights of way, in payment of such part of subscription as they may deem advisable: *Provided*, That nothing herein contained shall be so construed as to confer upon said company any lottery privilege or authority to dispose of any property, real or personal, except by sale, mortgage, or hypothecation.

Empowered to buy, lease, or rent lands, &c.

§ 5. Said company may erect and build on any of their lands such buildings, saw-mills, engines, machinery, and fixtures, as may be deemed convenient and proper for establishing and conducting the business of said company.

May erect such buildings necessary for conducting the business.

§ 6. Said company may construct tramways, railways or railroads, and operate the same, from its mines and mills, to any other railroad or navigable stream within twenty miles of its mines or business, and it may make any contract or agreement with any railroad company with which they may connect which it may deem proper for running its locomotives and cars over such other road, or such other road running its locomotives and cars over this company's road; and this company may charge such tolls and fares for traffic over its roads as may be allowed by law; and if, for the purpose of constructing the roads aforesaid, it be necessary to pass over the lands of others, and it cannot agree with such person or persons on the amount of compensation to be paid for same, then this company may condemn the same for the use of said company, as provided by chapter 103, Revised Statutes, for

May construct tram-ways and railroads and operate same.

turnpike roads, &c.: *Provided*, They may condemn any width not exceeding eighty feet.

§ 7. This act shall take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 530.

AN ACT to amend the charter of the Paducah Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Paducah Gas-light Company shall have the power and privilege of buying and selling coal; may manufacture and sell coke, on such terms and under such regulations as may be prescribed by the board of directors of the company; and for this purpose may acquire and hold such real estate and machinery as may be necessary to conduct said business.

Approved March 18, 1878.

CHAPTER 531.

AN ACT for the benefit of Mathew D. Cordon, late sheriff of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mathew D. Cordon, late sheriff of Wayne county, be, and he is hereby, given the further time until the first day of July, 1878, to collect and pay into the Treasury the revenue due from said county for the years 1876 and 1877.

§ 2. That it shall be the duty of the Auditor of Public Accounts to give to said Mathew D. Cordon, late sheriff as aforesaid, a credit in his settlement as sheriff as aforesaid for the delinquent lists of the county of Wayne for the years 1876 and 1877, when the same has been first allowed by the Wayne county court, and duly certified by the clerk of said court.

§ 3. That said Mathew D. Cordon shall not have the benefits of the provisions of this act until his securities

on his official bond for the collection of the revenue of Wayne county for the years 1876 and 1877 shall, in open court, give their consent, on the records of the Wayne county court, to the extension of time provided for in the first section of this act.

§ 4. That this act shall take effect from its passage.

Approved March 18, 1878.

CHAPTER 532.

AN ACT supplemental of an act, entitled "An act to ratify the incorporation of the Central Mississippi Railroad Company and its consolidation with the New Orleans, Jackson, and Northern Railroad Company, under the name of the Chicago, St. Louis, and New Orleans Railroad Company, and to charter said last named company," approved March 11th, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in line twenty-one of section one, chapter 395, of an enrolled act now in the office of the Secretary of this State, entitled "An act to ratify the incorporation of the Central Mississippi Railroad Company and its consolidation with the New Orleans, Jackson, and Northern Railroad Company, under the name of the Chicago, St. Louis, and New Orleans Railroad Company, and to charter said last named company," approved March 11th, 1878, the word "eight" be stricken out, and the word "eighteen" be inserted in lieu thereof.

§ 2. This act shall take effect from its passage.

Approved March 18, 1878.

CHAPTER 533.

AN ACT to authorize the county court of Clay county to appoint a collector to collect the unpaid taxes and fee-bills due Wilson Morgan, late sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Clay county is hereby authorized to appoint a collector and agree with him as to compensation, to collect the unpaid taxes and fee-bills

due Wilson Morgan as sheriff of Clay county for the years 1870 and 1871.

§ 2. The collector so appointed shall give bond, with approved surety, in the Clay county court, for the faithful performance of his duties, and shall have the same power to distrain and sell property that sheriffs have by law, for the collection of taxes and fee-bills due the said Wilson Morgan for the years above named, subject, however, to all the penalties and liabilities for illegal distraints.

§ 3. The money collected by the collector so appointed shall be apportioned among the sureties of Wilson Morgan according to the several sums they have had to pay on account of his defalcation as sheriff of Clay county.

§ 4. This act shall take effect from its passage.

Approved March 18, 1878.

CHAPTER 534.

AN ACT to amend the charter of the Salvisa and Kirkwood Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Salvisa and Kirkwood Turnpike Road Company be so amended as to allow all persons going to and from mill on horseback to pass through the toll-gate nearest to Salvisa free of toll, and also so as to allow persons in Salvisa to pass stock to Salt river, to get stock water in time of low-water, free of toll.

§ 2. All advantage taken of the privileges of this act, except in good faith, shall subject the party so violating to a fine of five dollars, recoverable by the company in any magistrates' court in the district having jurisdiction.

§ 3. This act shall take effect from and after the first day of April, 1878.

Approved March 18, 1878.

CHAPTER 535.

AN ACT for the benefit of Jacob H. Graff and Thomas Laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasury for the sum of seventy-two dollars, in favor of Jacob H. Graff and Thomas Laws, for services rendered as guards of two lunatics (Ira Johnson and Ann Lane) from Louisville to the Western Lunatic Asylum, at Hopkinsville.

§ 2. This act shall be in force from its passage.

Approved March 18, 1878.

CHAPTER 536.

AN ACT to amend the turnpike law of Henry county, and for the benefit of turnpike district No. 2 of said county.

WHEREAS, On the 9th of March, in the year 1869, an act of the Legislature was approved, authorizing the voters of the county of Henry to vote a tax in aid of the construction of turnpike roads within the county, and by said act the county was divided into three separate tax districts. On the sixteenth of April, 1873, the law was amended, as it affected district No. 2, so as to prevent the collection of any tax for turnpike purposes for the years 1872 and 1873; and whereas, the people within said district, for the purpose of completing their turnpikes and constructing new ones, desire the tax that should have been assessed for the years 1872 and 1873 assessed and collected for the years 1878 and 1879, in addition to the regular turnpike tax to be collected for the two latter years; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assessments for the years 1878 and 1879 shall be the assessments for the years 1872 and 1873, and the taxes shall be collected for those two years last named, in addition to years 1878 and 1879, in aid of turnpikes within district No. 2.

§ 2. The collector or other person authorized to collect said taxes under the general turnpike law of the county, shall proceed to collect and pay over the same as directed and empowered by the general turnpike law of the county, approved March 9th, 1869, and the amendments thereto.

§ 3. This act shall be in force from and after its passage.

Approved March 18, 1878.

CHAPTER 537.

AN ACT to increase the jurisdiction of police courts in the county of Hancock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jurisdiction of all police judges in the county of Hancock be, and is hereby, increased from fifty to one hundred dollars.

§ 2. The jurisdiction herein conferred shall be concurrent with the quarterly court of aforesaid county.

§ 3. All acts in conflict herewith are hereby repealed, and this act shall be in force from and after its passage.

Approved March 18, 1878.

CHAPTER 538.

AN ACT for the benefit of J. W. Shewmaker, of Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jasper W. Shewmaker, of the county of Mercer, be, and is hereby, relieved from obtaining a license to peddle as prescribed by any of the sections of chapter 84 of the General Statutes.

§ 2. This act shall be in effect from and after its passage.

Approved March 18, 1878.

CHAPTER 539.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in school district No. 25, Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful hereafter for any one to sell, by retail or otherwise, any spirituous, vinous, or malt liquors, or any mixture of either, within the boundary of common school district No. 25, in Grayson county, which boundary includes Millwood Station on the Paducah and Elizabethtown Railroad, and is as follows, viz: beginning at the section-house over the tunnel on said railroad; thence running straight lines to B. F. Crawford's; thence to W. H. Parrish's old dwelling-house; thence to Abraham Deweese's; thence to William Crawford's; thence to Joseph Brown's and William Wells'; thence to Stephen Layman's; thence to Mayhugh Bratcher's; thence to John W. Harrison's; thence to Marion Powell's on Sam. Duggins' farm; thence to J. R. Hackley's; thence to Samuel Hackley's; thence to A. S. Mercer's; thence to the beginning; and it shall be unlawful for the county judge of Grayson county to grant a license to any one to sell any such liquors in any quantity within said boundary; and such license, if granted, shall be void, and no protection to the person obtaining the same.

§ 2. Any one violating the provisions of this act shall be fined one hundred dollars for each offense.

§ 3. This act shall take effect from and after its passage, but shall not affect the sale of such liquors by persons within said boundary who now have a license therefor until after the expiration of such license.

§ 4. This act shall take effect from and after its passage.

Approved March 18, 1878.

CHAPTER 540.

AN ACT to change the venue of the case of Lou. S. Rogers against C. C. Rogers, from the Henry circuit court to the Bourbon court of common pleas.

WHEREAS, There is now pending in the Henry circuit court a suit in equity of Lou. S. Rogers against C. C. Rogers, the matters in which are disposed of except as to the manage-

ment of certain lands situated in Bourbon and Scott counties, and the distribution of the funds arising therefrom; and whereas, it is expensive and troublesome for the trustee to attend to said estate and report to the Henry circuit court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the venue of the cause in equity of Lou. S. Rogers, plaintiff, against C. C. Rogers, defendant, now pending in the Henry circuit court, be changed to the Bourbon court of common pleas, and that said Bourbon court of common pleas have the full control of all matters yet pending in said cause.

§ 2. That the clerk of the Henry circuit court make full copies of all the orders and proceedings in said court in said cause, and charge legal fees for same to the trustee in said cause; and that, upon payment of said fees, he transmit the original papers in said cause, and the copies of said orders and proceedings, to the clerk of the Bourbon court of common pleas by mail; and said clerk of the Bourbon court of common pleas shall return a receipt therefor by mail to the Henry circuit clerk.

§ 3. This act to take effect and be in force from its passage.

Approved March 19, 1878.

CHAPTER 541.

AN ACT for the benefit of the children and grandchildren of David Sanders, deceased.

WHEREAS, David Sanders, of color, departed this life in Pulaski, on the — day of —, 1875; and whereas, said Sanders was formerly a slave, and his wife died before the passage of the law legalizing the marriage of persons who were formerly slaves; and whereas, said Sanders left surviving him the following children, viz: Fontaine Sanders and Sarah Sanders, and the following grandchildren: Quintilla Woods, Sarah Ellen Woods, and William Woods, children of his daughter Elizabeth Woods, deceased; and whereas, said David Sanders died seized and possessed of considerable property, now in the hands of W. O. Newell, his legally appointed administrator; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said W. O. Newell, administrator of David Sanders, deceased, be, and he is hereby, authorized and empowered to distribute the assets belonging to the estate of said decedent, in the same manner as if the marriage of said David Sanders had been legalized.

§ 2. *Be it further enacted*, That a receipt from any of the children or grandchildren of said decedent, for money paid them out of said estate, shall be a voucher for said administrator in any settlement he may make with the proper officers as such administrator, and the same shall be a release to him for the amounts so paid.

§ 3. This act to take effect and be in force from its passage.

Approved March 19, 1878.

CHAPTER 542.

AN ACT to amend an act, entitled "An act to authorize the voters of the town of Clinton to vote upon the proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of the same," approved March 29, 1873, and to amend an amendatory act passed April 21, 1873, and an amendatory act approved March 3, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors in the town of Clinton, Hickman county, Kentucky, or within one mile of the boundary of said town, except as herein provided.

§ 2. That if any person shall sell any spirituous, vinous, or malt liquors in the town of Clinton, or within one mile of the boundary of said town, except as herein provided for, he or she so offending shall be fined for each offense the sum of one hundred dollars.

§ 3. That the trustees of the said town of Clinton shall have the power to grant a license to any druggist or druggists of said town who are such in good faith, authorizing and permitting such druggist to sell ardent spirits, vinous or malt liquors, as a medicine only; but such license so granted shall be at the will and option of the said trustees, and may by them be revoked and annulled at any time, and shall

thereafter be of no protection to said party for any subsequent sale; nor shall said license be granted until the party applying for the same shall have executed to the trustees of said town and the Commonwealth of Kentucky a covenant, with approved security, faithfully to observe and perform his duty under this act in the sale of ardent spirits, vinous or malt liquors, and that he will pay to the trustees of said town or to the Commonwealth of Kentucky all fines and forfeitures which may be recovered against him for a violation of his duty under this act, together with the costs which may accrue in the prosecution; and the party so applying for a license shall take an oath before some officer of said county authorized to administer an oath, faithfully to discharge his duty under this act; nor shall the said license authorize the druggist to sell said liquors, nor be of any protection to him, unless the party wishing to purchase has a written prescription from a regular practicing physician for such liquors, which prescription shall be filed away by said druggist and preserved by him, and which shall only be good for one sale, and all to be delivered at one time; and the said prescriptions taken in by the said druggists shall at all times be subject to the inspection of the trustees of said town and the police judge of said town.

§ 4. That if said party obtaining a license to sell such liquors as a druggist shall fail to keep a regular file of such prescriptions as he shall sell upon, or fails and refuses to exhibit the same to said trustees, or the police judge of said town, when called upon, he shall for each offense be fined not less than twenty nor more than one hundred dollars.

§ 5. That any practicing physician may give a regular written prescription to any person applying for the same to purchase ardent spirits, vinous or malt liquors, to be used as a medicine, or for medical purposes only; and in such prescription designate the person, the amount, and shall state same is for medicinal purposes; and shall certify in said prescription his belief that the same is necessary, and will be beneficial in relieving the party of the disease complained of, or that the same will be beneficial for making a medical compound for which it is desired, and date the same; and any physician who shall give to any person a prescription for spirituous, vinous, or malt liquors when he does not believe the same is

necessary or beneficial for the health of the party, or some member of his family applying for the same, or proper for making a medical compound or mixture for which the same is to be used, shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 6. That if any druggist in the town of Clinton shall sell to any one such liquors aforesaid upon a prescription of a physician, unless the same is in conformity to this act, he shall be fined for each offense not more than one hundred dollars.

§ 7. That if any one shall forge the name of a physician or any one else to a prescription for the aforesaid liquors, he or she so offending, upon indictment and conviction thereof in the circuit court of said county of Hickman, shall be confined in the penitentiary of this State for not less than one year nor more than five years for each offense.

§ 8. That if any one shall, by false representations, obtain from a physician a prescription as herein provided for, he or she so offending shall be fined not less than thirty nor more than one hundred dollars for each offense; and the drinking of the same, other than upon the premises of the party so obtaining such liquors, unless the same shall be taken for some present ailment or suffering of the party, shall be deemed and taken as *prima facie* evidence that the same was procured upon false representations.

§ 9. That if any druggist in the said town of Clinton, or their clerks or any one having said drug store in charge, shall suffer or permit any one to drink ardent spirits, vinous or malt liquors in such drug store, or upon the premises attached thereto, whether the same shall be sold or given to such party by the druggist, his clerk, or the party having the same in charge, shall be fined not less than fifty nor more than one hundred dollars, unless the person so drinking the same takes it as a medicine and for some present ailment or sickness.

§ 10. That if any person shall purchase of any druggist in said town of Clinton any spirituous, vinous, or malt liquors by virtue of a prescription, or the same shall be given to him by the druggist or his clerk, and he shall drink the same in said drug store, or upon the premises attached thereto, unless the same shall be taken as a medicine for some present ailment or sickness, the person so offending shall, upon con-

viction thereof, be fined not less than ten nor more than thirty dollars for each offense.

§ 11. That the trustees of said town of Clinton shall have power to prescribe a form of prescription, to be given by the physicians, upon which the liquors are to be obtained, with certificate on the back thereof, to be signed by the party obtaining the same, certifying that the liquors so to be obtained are for medical purposes only, and shall have power to require the same to be printed by the druggist for the use of the physicians, and shall have power to pass by-laws, with penalties annexed, further to regulate the sale of said liquors in the town of Clinton, not inconsistent with the Constitution of Kentucky, the general laws, and this act.

§ 12. That the circuit court of Hickman county shall have jurisdiction by indictment to recover the fines herein prescribed for a violation of the provisions of this act, and to enforce by indictment, trial, and conviction the violation of section 7 of this act.

§ 13. That the police judge of the town of Clinton shall have concurrent jurisdiction with the circuit court of Hickman county to hear and determine any charge for a violation of the provisions of this act (except that of section 7 of this act). He shall have power to issue his warrant of arrest in the name of the Commonwealth of Kentucky against the person or persons charged with the violation of the provisions of this act, directed to the marshal of said town, the sheriff or any constable of said county of Hickman, to try the charge and render judgment thereupon for the recovery of the fines herein provided for, and to issue *capias pro fine* against the party for the enforcement of his judgments; and the fines so collected shall go to the trustees of said town for the benefit of the same.

§ 14. That the provisions of the original act, and the amendments thereto referred to in the caption of this act, not inconsistent with the provisions of this act, are declared to be the law, and continued in force, and all parts of said act and the amendments that are inconsistent are repealed.

§ 15. That any irregularity of the vote taken by the citizens of said town, as provided for in said acts and amendatory acts, are hereby declared legal, and said acts and amendatory acts not hereby repealed, and this act, are declared in force in the said town of Clinton, and within one mile thereof.

§ 16. This act shall be in force from its passage.

Approved March 19, 1878.

CHAPTER 543.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts and amended acts in reference to the town of Auburn," approved March 8th, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to amend and reduce into one the several acts and amended acts in reference to the town of Auburn," approved March 8th, 1878, be, and the same is hereby, amended by striking out the word "first," before the word "Saturday," and inserting in lieu thereof the word "last."

§ 2. This act shall take effect from and after its passage.

Approved March 19, 1878.

CHAPTER 544.

AN ACT to authorize the court of claims of Bourbon county to appoint a commissioner of turnpike roads for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for Bourbon county shall, at its next regular annual session, elect a suitable person, who shall be called turnpike commissioner, to represent the stock held or owned by said county, and any interest in stock which said county may be entitled to hold in any turnpike road company.

§ 2. Said commissioner shall attend the meetings for election of officers for each of said roads, and shall cast the vote of the county stock in the choice of directors and other officers of said roads, and shall examine into the sufficiency of the treasurer's securities on their bonds of office.

§ 3. He shall demand and receive from each of said turnpike road companies certificates of the amount of stock for which the county has paid, and to which it is entitled in said road.

§ 4. He shall compute and settle with each of said turnpike road companies the amount of dividends on stock which the county shall, from time to time, be entitled to receive, and shall demand, receive, and receipt for the same; and upon the refusal of any of said companies to settle and pay over to him, he is authorized, and it shall be his duty, to institute proper legal proceedings in behalf of the county, to enforce a settlement and payment of any sums due to the county.

§ 5. He shall ascertain whether any one of said turnpike road companies have failed to furnish the funds necessary, when added to the county subscription, to complete said road, and whether any company has borrowed money to complete the road, and has applied the tolls on such road to the liquidation of such debt, and to what amount the dividends justly due to the county have been applied to pay the original subscription of stock.

§ 6. He shall ascertain the corporate name of each company, the length and width of each road, and the cost of same; the cost of bridges, and the county subscription to same in case where the subscription to a bridge is separate from the subscription to the road.

§ 7. He shall superintend, represent, and protect the county's interest in said turnpike roads; and shall report annually to the court of claims of his acting herein, and the information obtained by him. He shall be required to give bond with security, for the faithful discharge of the duties of the office, upon which he and his sureties shall be liable in damages for a breach of his undertakings.

§ 8. He shall hold his office for a term not exceeding four years, unless re-elected, and shall be allowed by the court annually, out of the turnpike receipts and dividends, a suitable compensation for his services.

§ 9. This act shall take effect from its passage.

Approved March 19, 1878.

CHAPTER 545.

AN ACT to consolidate and amend the charter of the Southern Mutual Life Insurance Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Southern Mutual Life Insurance Company of Kentucky, approved February 7th, 1866, and all acts amendatory thereof, be amended to read as follows:

ARTICLE I.

Of the "Name of the Company."

§ 1. The name of the company shall be The Southern Mutual Life Insurance Company of Kentucky; and by this [name] may sue and be sued, plead and be impleaded, in all courts of record or elsewhere; they may have and use a common seal which they may alter, break, and renew at pleasure.

§ 2. The board of directors of the company may, if they see proper, change the name of the company in the following manner: A declaration of the intention to change the name of the company, made and signed by two thirds of the directors elected at the last preceding annual meeting of the stockholders of said company, setting out the intended change of name, with the reasons for such change, if they see proper to assign any reasons, shall be filed with the clerk of the Jefferson county court, who shall publish the same in one or more newspapers published in the city of Louisville, for eight consecutive weeks, with not less than one insertion in each of said weeks, whereupon the clerk aforesaid shall record the same in his office, and append to the said declaration his certificate that the same has been duly published as required by this act, and has been recorded in his office, which said declaration and certificate, or a certified copy thereof, shall be evidence of the change of name of said company in any of the courts of this Commonwealth.

§ 3. The change of the name of said company shall in no wise affect its corporate rights, powers, and privileges, or its liabilities and obligations; but the same shall be as valid and binding under its new name as they were theretofore under its old name.

ARTICLE II.

Of the Place where the Company is to be Located.

§ 1. The company shall be located, and its principal place of business shall be, in the city of Louisville.

ARTICLE III.

Of the Business to be Undertaken.

§ 1. The business of the company shall be to make insurance upon the lives of individuals, and every insurance appertaining thereto or connected therewith, and to grant, purchase, and dispose of annuities; they may receive and invest trust funds.

§ 2. The insurance business of the company may be conducted upon the principle of giving to policy-holders an interest in the profits of the surplus accumulations of the company or otherwise, in such manner as may be expressly agreed between the company and the assured in the policy of insurance.

§ 3. The company may purchase for its own benefit any policy of insurance or other obligation of the company growing out of its business, and also any claims of policy-holders for dividends of surplus.

§ 4. The company shall have authority to reinsure in other companies any risk or part of a risk which has heretofore been, or may hereafter be, taken by it for its own benefit.

ARTICLE IV.

How the Corporate Powers are to be Executed.

§ 1. The corporate powers of the company shall be vested in and exercised by a board of directors of such number, not exceeding twenty nor less than eleven, to be determined by an order or by-law adopted by said board; but the number may be increased or diminished within the limit aforesaid as such board may, from time to time, deem expedient, and may in the same manner determine what number, not less than seven, shall constitute a quorum to transact business; and until the board shall so provide, not less than seven shall constitute such quorum. Each of said board of directors shall be a citizen of the State of Kentucky, and shall be either a stockholder or policy-holder in the company.

§ 2. The board of directors shall have power to determine the rates of premium for insurance, the mode of payment thereof, and the amount that may be insured on any one life; and shall also have power to make and prescribe such by-laws, rules and regulations, for the transaction of the business of the company, not inconsistent with the charter or laws of

the Commonwealth, as may be deemed expedient, and the same to alter, suspend, or repeal, or add to at pleasure: *Provided, however,* That no by-law shall be abrogated, nor shall any new by-law be adopted or prescribed, except by a unanimous vote, or by a vote of a majority of the directors present at two successive meetings of the board, or of the executive committee hereinafter provided for.

§ 3. The board of directors shall have all other powers usually vested in boards of directors or trustees of life insurance companies, or which may be authorized by law to be exercised by any life insurance company in this Commonwealth, not inconsistent with this charter or the Constitution and laws of this State.

ARTICLE V.

Of the Manner and Time of Electing Directors and Officers.

§ 1. An election of directors shall be held annually in the month of January, at the office of the company, on such day and at such hour as the board may direct, and shall be held by ballot, and a plurality shall elect. Notice of elections shall be given by the president or secretary for at least two weeks in some public newspaper published in the city of Louisville. In case of failure to hold said election on the day directed, it may be held on a future day, after the prescribed notice shall have been given. The board of directors elected in the manner prescribed shall hold their offices till the next annual election, or until their successors are elected. In case any person elected shall be ineligible, or become disqualified, or decline to serve, or in case a vacancy occur from any other cause, the board may, if it see proper, fill such vacancy.

§ 2. The board of directors, previous to each election, shall appoint three inspectors of such election, who shall be either stock or policy-holders in said company; and in case any or either of the inspectors so appointed shall decline to act or fail to attend at the appointed time and place of election, or in case of a failure by the board to appoint, the president, or in his absence, the vice president, may appoint others to act instead of such persons so omitting to act.

§ 3. At every election for directors each stockholder shall be entitled to one vote, in person or by proxy, for each share of the capital stock of the company owned and held by him in his own name for not less than twenty days immediately preceding such election.

§ 4. The board of directors shall, at the first meeting after each annual election of directors, elect from their own number a president and vice president, secretary and treasurer of the company, who shall respectively hold office for the term of one year, and until their successors shall be elected and qualified, and may also, at any time, appoint a president and a vice president when said officers, respectively, shall be absent or unable to act.

§ 5. The board of directors may appoint an executive committee, who, when the board is not in session, may exercise all the powers of the board of directors. They may appoint such officers, clerks, and agents as they may deem expedient and necessary for the transaction of the business of the company, and remove the same at pleasure, and appoint others in their stead.

§ 6. The board of directors, or the executive committee when the board is not in session, shall have the power to fill any vacancies occurring either in the board of directors, in the executive committee, or in the office of president or vice president, until the annual election next after such appointment.

ARTICLE VI.

Of the Amount of Capital and Provisions Relating Thereto.

§ 1. The capital stock of the company shall be one hundred thousand dollars, paid up in full, divided into shares of one hundred dollars each, which shall be personal property, and transferable on the books of the company according to the law and by-laws of the company.

§ 2. The holders of the said capital stock shall be entitled to a semi-annual dividend not exceeding six per cent., to be declared by the board of directors out of any surplus over and above the net reserve or reinsurance fund of all policies in force against the company according to the legal standard of the State and the capital stock aforesaid (payable after the first days of February and August in each year at such time as may be designated by the board). The stockholders shall not be personally liable for the debts of the corporation.

ARTICLE VII.

Miscellaneous Premiums.

§ 1. The fiscal year of the company shall commence on and with the first day of January in each year, and shall termi-

nate on and with the thirty-first day of December in each year.

§ 2. Within sixty days of the expiration of each fiscal year the amount of surplus held by the company, after providing for the amount necessary to reinsure all outstanding risks, according to some standard not lower than that which may be prescribed by the general laws of the State, and for all other obligations, shall be ascertained; and the company may distribute so much of the said surplus as it may be deemed prudent to do amongst the policy-holders of the company entitled thereto, according to regulations prescribed by the company, its board of directors, or its officers under their authority.

§ 3. In case any policy-holder or annuitant shall omit to pay any premium or sum due from him to the company according to the terms of his contract or policy, or relating thereto, or violate any other condition of the policy or contract of annuity, the same may be forfeited in accordance with its stipulations and conditions by general or special rules prescribed or observed by the company.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold, and convey shall be, first, such as may be requisite for the convenient transaction of its business; or, second, such as may be taken as security, or acquired in satisfaction of debts previously contracted; third, such as shall have been purchased at sales upon judgments, decrees, liens, mortgages, obtained or made for such debts.

§ 5. The capital stock or other funds of the company may be invested in bonds of the United States or of the several States, or in bonds of counties or cities of this Commonwealth which may be authorized by law, or in the bonds of railroads issued by authority of laws of this Commonwealth and secured by a first lien on said roads, or in the bonds or notes of individuals, firms, or corporations secured by mortgages on real estate in or out of this Commonwealth which shall be equal in value to twice the amount loaned, and free from any prior encumbrance, for which loans the company may receive a rate of interest not exceeding eight per cent. per annum, or any higher rate that may be authorized by law, and made payable semi-annually; or said funds may be invested in paper of such firms, corporations, or individuals, secured by a first lien on real estate, provided the whole of such lien

does not exceed one half the value of such real estate; and said funds may be loaned upon the hypothecation or pledge as collateral security of any note, bond, or stock in which they may be invested, or of the stocks of the banks of this Commonwealth, or National Banks located therein.

§ 6. Any policy of insurance heretofore issued, or that may hereafter be issued, by said company, for the use, benefit, or advantage of the wife, widow, children, father, or mother of any person whose life may be insured by said company, shall not be held or made liable for any debts or contracts or engagements of the person whose life is or may be so insured; and all such insurance, in the event of the decease of the person whose life is or may be so insured, shall be paid to the person or persons named in the policy as beneficiaries therein, or to their assignees or legal representatives, to be held by him, her, or them free and discharged of and from all existing debts, contracts, and engagements whatever of the said deceased persons.

§ 7. At any time hereafter the board of directors, after two months' notice entered on the minutes of a regular meeting, may, by a vote of three fourths of the board or of the executive committee, provide that each policy-holder insured for not less than one thousand dollars shall be entitled to one vote at the annual election of directors; but such vote shall be given personally, and not by proxy.

§ 8. When this act shall be accepted as the charter of said Southern Mutual Life Insurance Company of Kentucky, at any regular or called meeting of such persons as may now have a right to vote for directors of said company, after legal notice thereof, published for at least two weeks in some public newspaper printed in the city of Louisville, the said act, entitled "An act to incorporate the Southern Mutual Life Insurance Company, of Kentucky," and every act amendatory thereof heretofore enacted, shall stand repealed and cease to be in force. At such meeting a board of directors may be elected to serve until the next annual election shall be held under this act.

Approved March 19, 1878.

CHAPTER 546.

AN ACT to amend an act, entitled "An act to amend section 10, article 2, chapter 27, General Statutes," approved March 7th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend section 10, article 2, chapter 27, General Statutes," be, and the same is hereby, amended by inserting the following section after section two of said act, to-wit: "In case any delinquent list shall be sold under this act, the person buying the same shall have the right to levy and collect the same in the same manner that sheriffs are authorized to levy and collect the State revenue and county levy: *Provided*, That before levying or collecting any tax purchased as provided in this act, the person purchasing same shall execute bond before the judge of the county court in the county in which the lists are sold, conditioned that the person purchasing said list shall pay to the parties entitled thereto all damages occasioned by any illegal levy of tax list purchased by him."

§ 2. That this act shall take effect from its passage, and shall apply only to the county of Madison.

Approved March 19, 1878.

CHAPTER 547.

AN ACT for the benefit of J. P. Breedlove.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Public Treasury in favor of J. P. Breedlove for thirty-seven dollars and fifty cents, for keeping, nursing, and providing for J. H. Williams, after he was found by the Warren county court a lunatic, on April 4th, 1877, to the date of his death, on September 20th, 1877, it appearing that said lunatic could not be received into the asylum for want of room.

§ 2. This act shall take effect from and after its passage.

Approved March 19, 1878.

CHAPTER 548.

AN ACT to amend the several acts heretofore passed in relation to the Jamestown magisterial district, in Campbell county, approved, respectively, April 21st, 1873, and March 16th, 1876, and to provide for the sale of lots and lands delinquent for taxes in said district.

WHEREAS, It appears that there are lots in the city of Dayton and town of Bellevue and lands situate in a portion of the Jamestown magisterial district, in Campbell county, which are subject to taxation for certain purposes by virtue of an act approved the 21st of April, 1873, and an act amendatory thereto approved the 20th of February, 1874, fixing the specific boundary of the taxable portion of said district; and whereas, also, it appears that certain lots in Dayton and Bellevue, and also lands in said district, are delinquent for the non-payment of taxes for the years 1875, 1876, and 1877; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the delinquent taxes on said property in said district are not paid on or before the first Monday in May, 1878, the sheriff of Campbell county is directed to sell at public auction, on the fourth Monday in May thereafter, the lots in Dayton and Bellevue, and lands in said magisterial district, or so much thereof as will pay the tax assessed against said property, together with the per cent. and cost charged against the same. Before making any sale, the sheriff shall give public notice of the day of sale in a newspaper in circulation in the county, and by posting printed notices in at least two public places in Dayton, Bellevue, and Newport fifteen days before he shall proceed to sell; that said notice of sale shall contain a full list and description of all lots and lands to be sold for the delinquent taxes aforesaid, giving the name of the owner if known, if not, then as unknown owner, together with number of each lot, the amount of tax, per cent., and cost charged against the same, and likewise of land also; the sale to be made in front of the mayor's office in the city of Dayton, for all the property in said advertised list, between the hours of 10 o'clock, A. M., and 4 o'clock of day of sale, and so to be named in the notice aforesaid.

§ 2. Within six days after the sheriff shall have made the sale aforesaid, he shall make a full return of the same, showing the property sold, to whom sold, together with a copy of

the advertisements showing the delinquent list, to the clerk of the county court at Newport, who shall record the same in a book, which he is hereby required to keep for that purpose.

§ 3. The sheriff shall, on demand, deliver to each purchaser, on the payment of twenty-five cents, a certificate of purchase, describing the property, and the amount of tax, penalty, and cost for which the same was sold, which certificate shall be assignable.

§ 4. It shall be the duty of the sheriff, or his successor in office, at any time the same may be demanded after the expiration of two years from the day of sale, to make a good and valid deed to purchaser, his heirs or assigns, for the property by him purchased at such sale, which deed shall pass all the estate, legal or equitable, of the owner or owners of such lot or part of lot or lands, whether known or unknown; and such deed, or a certified copy thereof, shall be received in all the courts of this Commonwealth, *prima facie*, as evidence of the title in the purchaser or purchasers, or his or their heirs or assignee or assigns; and the sheriff shall receive the sum of one dollar and fifty cents for any deed made by him: *Provided, however,* That the owner or owners of such lot or land shall have the right to redeem the same within two years after such sale by paying to the sheriff in office the amount for which the same was sold, together with thirty per cent. damages thereon, and all taxes paid subsequent to the day of sale that may be paid by the purchaser, his heirs or assignee, with six per centum thereon, which the sheriff shall pay over to the purchaser, his executor, administrator, or assigns; and such redemption shall be entered in the record-book of sales aforesaid: *And provided further,* That all infants, *feme coverts*, and persons of unsound mind, shall have two years from the time their respective disabilities are removed, to redeem their lots or lands sold under the provisions of this act, as provided in the foregoing part of this section of this act; but the committee or next friend of a person of unsound mind shall be allowed only five years from the day of sale, or two years after notice in writing by the purchaser or his assignee, to redeem the same, though such disability shall continue longer.

§ 5. That every year hereafter, including, however, the year 1878, if the taxes are not paid by the owners of lots in Dayton and Bellevue, and the lands within the taxable portion of the said Jamestown magisterial district, on or before the first

Monday in December in each and every year hereafter, the sheriff shall proceed to advertise, sell, and dispose of the same on the fourth Monday of December in each year, in the same way and manner as provided for in the fourth section of this act, and convey the same to purchasers in like manner; and all lots and lands so sold as aforesaid shall be redeemed by the owners in accordance with the provisions of the fourth section of this act.

§ 6. If any lots in Dayton or Bellevue, or lands in said district, shall, at any of the tax sales aforesaid, be not sold for want of bidders, the same shall be struck off to the commissioner of the sinking fund, appointed under an act approved 16th of March, 1876, he being required to pay the interest on certain bonds issued under the act approved 21st April, 1873, aforesaid. The commissioner of the sinking fund shall hold said lots and lands for the use and benefit of the holders of the bonds issued as aforesaid; said lots and lands, however, in the hands of said commissioner, may be redeemed in the same mode and manner as provided for in the fourth section of this act. If said lots and lands held by the commissioner of the sinking fund shall not be redeemed within the time limited by this act, he shall sell and convey the same, and apply the proceeds to pay the interest on the coupons, interest on said bonds issued under the act approved 21st April, 1873, aforesaid.

§ 7. It shall be the duty of the clerk of the county court annually, before he delivers to the sheriff the assessor's books, showing the amount of tax levied on the real estate in the Jamestown magisterial district, to take from the sheriff a bond, with two good sureties, conditioned for the collection and payment of all taxes levied in said district. Said bond to be made payable to the commissioner of the sinking fund, created by an act approved March 16th, 1876, chapter 766, to which this is an amendment. The form of the bond to be similar to the bond now executed by the sheriff for the collection of the county levy.

§ 8. If the sheriff shall fail to pay over to the commissioner of the sinking fund of the said Jamestown magisterial district, the money collected, and also to settle annually with the county court, as provided for in section five of chapter 766 of an act approved March 16th, 1876, to which this is an amendment, he and his sureties, their heirs, devisees, and

personal representatives, shall jointly and severally be liable to the commissioner of the sinking fund of the said Jamestown magisterial district, for the full amount of taxes annually collected by him, with ten per centum on the same, which sum may be recovered by a suit on the bond given to the commissioner, by suit in the circuit court of Campbell county; and the amount so recovered shall be applied to the interest and principal of the bonds issued by said magisterial district; the sheriff to have until the last Monday in December in each and every year to make full payment and settlement with the county court.

§ 9. If the sheriff shall fail to make the annual sale of lots and lands that may be delinquent in the said Jamestown magisterial district, as required by the fifth section of this act, then he shall, for each year he neglects the same, forfeit the sum of five hundred dollars; and the commissioner of the sinking fund shall have the right to sue for and recover the same in the circuit court, and the amount so recovered shall be held by him as a fund to pay interest and principal on the bonded debt of the said Jamestown magisterial district aforesaid.

§ 10. Whenever there shall have accumulated in the hands of the commissioner of the sinking fund a sufficient sum of money, after paying the accrued interest on all the bonds, to redeem any of said bonds, it shall be his duty, and he is hereby required, to redeem and take up any of said bonds that may be presented to him for that purpose, in the order in which they may be so presented. He shall cancel the bonds so redeemed, and make due return thereof within ten days to the county court clerk, who shall record the same, together with the cancellation thereof, in the book required to be kept by him by section two of this act.

Approved March 19, 1878.

LAWS OF KENTUCKY.

CHAPTER 549.

AN ACT to amend an act, entitled "An act to incorporate the Bank of Adairville, in Logan county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two in the act, entitled "An act to incorporate the Bank of Adairville, in Logan county," approved March 18th, 1876, be, and the same is hereby, so amended that wherever the word "seven" occurs in reference to directors, the words "three or more" shall be substituted; and in section three of said act, where the words "one hundred shares" occur, the words "fifty shares" shall be substituted; and in section four, where the words "one hundred shares" occurs, the words "fifty shares" shall be substituted; and in section thirteen, where the word "two" occurs, the word "four" shall be inserted.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

CHAPTER 550.

AN ACT for the benefit of Richard Donaldson, lunatic of Bourbon county.

WHEREAS, Richard Donaldson, of Bourbon county, has been declared by a jury, and certified by the county judge, as a pauper lunatic, and there being no room for his proper care and accommodation in the lunatic asylums of this State; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John B. Donaldson is hereby appointed trustee of Richard Donaldson; and the Auditor is authorized to draw his warrant in favor of said John B. Donaldson, trustee, for seventy-five dollars for the benefit of Richard Donaldson, in keeping and providing for him from May 17th, 1877, till May 17th, 1878.

§ 2. John B. Donaldson shall be governed by the law governing trustees for pauper idiots.

§ 3. This act shall take effect from its passage.

Approved March 22, 1878.

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